

Just the other day, the committee questioned a former member of the Communist Party, guarded by a police escort who brought him here from a prison cell in North Carolina. He said that the Communist had gone away down to North Carolina to foment a textile strike to promote a Communist organization. He is serving a sentence from 17 to 20 years for conspiracy to murder a police officer at Gastonia.

Almost at the same time, the Ford Motor Co. expelled 51 Russian experts, who had been given the courtesy of the plant ostensibly to study manufacturing methods. But they really sought to steal plans.

Mr. Speaker, and Members of the House, let us think seriously of this situation. War means death, crippled bodies, and dependents which this Government will forever support.

But this dreadful spread of communism is even worse to consider. It seems the destruction of religious freedom, of economic safety, political parties—the ruin of democracy.

It is not necessary to review the alliance of Russia and Germany. Hitler is more frightened than ever in his life. Well he might be. When Stalin is ready to take over, Germany is doomed. Not from bullets, but communism.

Now is the time for us to take steps. We have a wonderful organization within the Department of Justice, the Federal Bureau of Investigation. But best of all, Mr. Speaker and Members of the House, we have the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, the Spanish-American Veterans and, too, there are still a number of those glorious old soldiers of the Civil War who could wield a cane with plenty of vigor. Every one a proven patriot, and every organization solidly united toward the eradication of this danger.

These veterans have demonstrated their patriotism. They have posts scattered throughout the country, and there is no finer group or more vigilant men and women who are anxious, even eager, to meet this insidious threat to the tradition of America. They despise these "isms." Turn them loose with the best wishes of this Congress. But let us put some teeth in laws to care for these filthy Communists, and then offer to these war veterans the full assistance of that splendid organization, the Federal Bureau of Investigation.

Do this, and over night these rascals will take to cover. I propose that Congress invite these organizations to enlist themselves for the duration of the war against communism.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 28 minutes p. m.) the House adjourned until tomorrow, Friday, October 27, 1939, at 12 o'clock noon.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KILDAY:

H. R. 7601. A bill to amend section 907 (c) of the Revenue Act of 1936; to the Committee on Ways and Means.

By Mr. HAVENNER:

H. J. Res. 393. Joint resolution authorizing negotiations for the acquisition of certain territory in the Western Hemisphere; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. PACE introduced a bill (H. R. 7602) for the relief of Emory N. Jenkins, which was referred to the Committee on Military Affairs.

SENATE

FRIDAY, OCTOBER 27, 1939

(Legislative day of Wednesday, October 4, 1939)

The Senate met at 11 a. m., on the expiration of the recess. The Chaplain, Rev. Zeb Barney T. Phillips, D. D., offered the following prayer:

Almighty God, creator and preserver of all things visible and invisible: We give Thee thanks for those things which no man has seen or can see, yet have reality for us, as suggested by things which are seen and do appear. We bless, Thee, O God, for that which is known only to the pure in heart, which transcends mere human knowledge; give to us this day an open vision and the inspiration that comes of character and grows in us as we grow in life and being. May it be ours to think and say and do only such things as shall be pleasing unto Thee and shall promote the safety, honor, and welfare of the people of the United States and amity and peace among the nations. Grant that more and more we may find kinship with the large and loving soul of Him in whom Thou didst reveal the fullness of the Godhead bodily, who came that we might have life and have it more abundantly, Jesus, Thy Son, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, October 26, 1939, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Davis	La Follette	Schwartz
Andrews	Downey	Lee	Schwellenbach
Austin	Ellender	Lucas	Sheppard
Bailey	Frazier	Lundeen	Shipstead
Bankhead	George	McCarran	Slattery
Barbour	Gerry	McKellar	Smathers
Barkley	Gibson	McNary	Smith
Bilbo	Gillette	Maloney	Stewart
Borah	Green	Mead	Taft
Bridges	Guffey	Miller	Thomas, Okla.
Brown	Gurney	Minton	Thomas, Utah
Bulow	Hale	Murray	Tobey
Burke	Harrison	Neely	Townsend
Byrd	Hatch	Norris	Truman
Byrnes	Hayden	Nye	Tydings
Capper	Herring	O'Mahoney	Vandenberg
Caraway	Hill	Overton	Van Nuys
Chandler	Holman	Pepper	Wagner
Chavez	Holt	Pittman	Walsh
Clark, Idaho	Hughes	Radcliffe	Wheeler
Clark, Mo.	Johnson, Calif.	Reed	White
Connally	Johnson, Colo.	Reynolds	Wiley
Danaher	King	Russell	

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Virginia [Mr. GLASS] are detained from the Senate because of illness.

The Senator from Arizona [Mr. ASHURST] is absent because of illness in his family.

The VICE PRESIDENT. Ninety-one Senators have answered to their names. A quorum is present.

SEPTEMBER REPORT OF THE R. F. C.

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Reconstruction Finance Corporation, submitting, pursuant to law, a report of the activities and expenditures of the Corporation for the month of September 1939, including a statement of loan and other authorizations made during the month, showing the name, amount, and rate of interest or dividend in each case, which, with the accompanying papers, was referred to the Committee on Banking and Currency.

PETITIONS

The VICE PRESIDENT laid before the Senate the petition of the Young People's Forum Committee, Mary Hardman, chairman, praying that the United States call a conference of representatives of the nations to take steps to stop the war in Europe, so as to bring about an effective peace, which was ordered to lie on the table.

He also laid before the Senate a resolution adopted by the West Texas County Judges and Commissioners' Association and city officials at Lubbock, Tex., favoring the redistribution and reallocation of W. P. A. funds so as to increase the quotas and amounts available for relief of the unemployed in drought-stricken agricultural areas such as west Texas, which was reported to the Committee on Appropriations.

BILL INTRODUCED

Mr. BARBOUR introduced a bill (S. 2995) for the relief of John Horvath, which was read twice by its title and referred to the Committee on Immigration.

ADDRESS BY THE PRESIDENT OF THE UNITED STATES IN NEW YORK HERALD-TRIBUNE FORUM

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a radio address delivered by the President of the United States on October 26, 1939, in the New York Herald Tribune Forum, which appears in the Appendix.]

ADDRESS BY SENATOR BYRNES ON NEUTRALITY LEGISLATION

[Mr. O'MAHONEY asked and obtained leave to have printed in the RECORD a radio address on neutrality legislation delivered by Senator BYRNES on October 26, 1939, which appears in the Appendix.]

HANDS OFF—ADDRESS BY SENATOR REYNOLDS ON NEUTRALITY

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD a radio address delivered by him on the evening of October 26, 1939, on the subject of pending neutrality legislation, which appears in the Appendix.]

ADDRESS BY SENATOR LODGE ON NEUTRALITY LEGISLATION

[Mr. TOBEY asked and obtained leave to have printed in the RECORD an address on pending neutrality legislation delivered by Senator LODGE at the New York Herald Tribune Forum, October 26, 1939, which appears in the Appendix.]

ADDRESS BY SECRETARY ICKES TO THE NATIONAL COAL ASSOCIATION AT NEW YORK

[Mr. BANKHEAD asked and obtained leave to have printed in the RECORD an address delivered by Hon. Harold L. Ickes, Secretary of the Interior, before the National Coal Association of New York on the subject of national fuel resources and supplies, which appears in the Appendix.]

INVESTIGATION BY FORTUNE OF PRICE-PEGGING SYSTEM

[Mr. McCARRAN asked and obtained leave to have printed in the RECORD a press release by Fortune under the heading "Nation-wide Investigation by Fortune Reveals How Price-Pegging System Works in Almost Every City," which appears in the Appendix.]

ADDRESS BY SENATOR KING ON NEUTRALITY LEGISLATION

[Mr. KING asked and obtained leave to have printed in the RECORD an address delivered by himself on the subject of neutrality legislation, which appears in the Appendix.]

ADDRESS BY SENATOR JOHNSON OF CALIFORNIA ON NEUTRALITY LEGISLATION

[Mr. NYE asked and obtained leave to have printed in the RECORD a radio address delivered by Senator JOHNSON of California, on Tuesday, October 24, 1939, relative to pending neutrality legislation, which appears in the Appendix.]

ADDRESS BY SENATOR GREEN ON NEUTRALITY LEGISLATION

[Mr. BROWN asked and obtained leave to have printed in the RECORD a radio address delivered today by Senator GREEN relative to pending neutrality legislation, which appears in the Appendix.]

THE CHURCH AND THE UNDERPRIVILEGED—ADDRESS BY SENATOR MALONEY

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an address delivered by him at the National Conference of Catholic Charities, at Denver, Colo., on Sunday, August 6, 1939, on the subject "The Church and the Underprivileged," which appears in the Appendix.]

ADDRESS BY REPRESENTATIVE VOORHIS, OF CALIFORNIA, BEFORE WASHINGTON TEACHERS' UNION

[Mr. HATCH asked and obtained leave to have printed in the RECORD an address delivered by Representative JERRY VOORHIS before the Washington Teachers' Union on October 17, 1939, which appears in the Appendix.]

ADDRESS BY COL. THEODORE ROOSEVELT ON NEUTRALITY

[Mr. CAPPER asked and obtained leave to have printed in the RECORD a radio address delivered by Col. Theodore Roosevelt on October 16, 1939, on the subject of neutrality, which appears in the Appendix.]

ARTICLE BY DAVID S. MUZZEY ON DEMOCRACY

[Mr. HATCH asked and obtained leave to have printed in the RECORD an article by David S. Muzzey, professor of American history at Columbia University, entitled "All Is Not Lost in the Fight for Democracy," which appears in the Appendix.]

SEIZURE OF AMERICAN SHIPS

[Mr. WHEELER asked and obtained leave to have printed in the RECORD an article published in the New York Evening Post on October 26, 1939, under the headline "As the Crow Flies," by Ernest L. Myer, which appears in the Appendix.]

EDITORIAL BY VICTOR MURDOCK ON NEUTRALITY

[Mr. CAPPER asked and obtained leave to have printed in the RECORD an editorial by Victor Murdock in the Wichita (Kans.) Eagle entitled "America, Stay Out," which appears in the Appendix.]

STATEMENTS BY SENATOR WALSH ON PENDING NEUTRALITY LEGISLATION

[Mr. WALSH asked and obtained leave to have printed in the RECORD two statements made by him and published in the press, on the question of neutrality, which appear in the Appendix.]

PENDING NEUTRALITY LEGISLATION—EDITORIAL FROM EXTENSION MAGAZINE

[Mr. WALSH asked and obtained leave to have printed in the RECORD a portion of an editorial from the November issue of the Extension Magazine, on the subject of neutrality, which appears in the Appendix.]

NEUTRALITY AND PEACE OF THE UNITED STATES

The Senate resumed the consideration of the joint resolution (H. J. Res. 306), Neutrality Act of 1939.

The VICE PRESIDENT. Let the Chair see if he interprets correctly the intention of the Senate when it took a recess last night. It appears from the unanimous-consent agreement as stated in the RECORD that the Senator from Missouri [Mr. CLARK] had offered an amendment, which is now the pending question; that there was an agreement that the amendment should be debated 40 minutes this morning, the Senator from Missouri to control 20 minutes and the Senator from Nevada [Mr. PITTMAN] 20 minutes. That is the way the Chair interprets the agreement. Is that correct?

Mr. CLARK of Missouri. That is correct.

Mr. PITTMAN. That is correct.

Mr. CLARK of Missouri. Mr. President, there will be but one speech on the side of the proponents, which will be made by the Senator from Nevada [Mr. McCARRAN]. Therefore, I suggest for the proponents of the amendment that the other side proceed.

Mr. PITTMAN. Mr. President, I ask unanimous consent that the provision of the pending joint resolution to be found on page 25, section 11, be read, and that the amendment proposed to that section by the Senator from Missouri be read, without taking the time required for the reading out of the 40 minutes allotted for debate. I think the Senate is entitled to know what the provision is.

Mr. McNARY. Mr. President, I should like to accommodate the Senator, but I think we should adhere, so far as I am concerned, strictly to the agreement.

Mr. PITTMAN. It is satisfactory to the Senator from Nevada to do anything the Senator from Oregon desires.

Mr. McNARY. I thank the Senator from Nevada.

Mr. PITTMAN. Mr. President, the Senate not having an opportunity to know from a reading at the desk exactly what the joint resolution as now framed proposes and what the amendment of the Senator from Missouri proposes, and the time being limited, I will merely state that in the existing law, which has been copied in the pending joint resolution, it is provided:

SEC. 11. Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States by the submarines or armed merchant vessels of a foreign state will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be

unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe.

There is a sound discretion vested in the President, based upon existing facts. The amendment offered by the Senator from Missouri makes it absolutely mandatory upon the President of the United States, after his proclamation has been made declaring a state of war, to prohibit any merchant vessel of a belligerent state from entering a harbor of the United States, if it has any armament upon it, no matter how insignificant.

The Senator from Missouri has cited the *Nereide* case, and the opinion delivered by Chief Justice Marshall in 1815. He quotes just one line from that decision, in which the Chief Justice states that the *Nereide* was a belligerent vessel. Of course it was a belligerent vessel, because it was a British vessel. The Chief Justice did not say it was a war vessel. Great Britain was at war with the United States at that time, and therefore it was a belligerent merchant vessel; but the whole opinion discloses the fact that though the *Nereide* was armed, that fact did not make it a war vessel. It was armed for defense; and, as the Chief Justice states, it was the custom of merchant vessels of belligerents from time immemorial to be armed for defense. He not only emphasized that fact, but although this British vessel was condemned by the courts of New York and the cargo was condemned, there were goods on the vessel that belonged to a citizen of Argentina; and the court determined that those goods of a citizen of Argentina, being friendly goods, although on a belligerent vessel, were entitled to go to that citizen.

If the Chief Justice had held that the *Nereide* was a war vessel, then international law with regard to a war vessel of a belligerent never would have justified the return of the neutral property to the owner of such neutral property. So that decision entirely sustains our position all the way through.

The only question involved here is as to whether we shall grant to the President discretion to determine when it is dangerous to the lives of our citizens and the peace of our country to restrict or prohibit armed merchant vessels of belligerents from entering or departing from our ports. There is no question that arming a merchant vessel for defense does not constitute it a war vessel; but I may say at that point that it lies entirely with our own Government as a neutral, controlling its own ports, having a duty to protect its own citizens and our peace, to determine when a vessel of a belligerent is a war vessel and when it is not a war vessel. I do not think anyone denies that statement.

There is no question that a submarine is a war vessel. However, it is a war vessel of a peculiar character. Therefore, we propose to allow the President to place additional restrictions on war vessels of that character; but a submarine comes within the general rules governing a war vessel. We allow the President to place restrictions upon an armed merchant vessel of a belligerent if, in his opinion, such arming endangers the lives of our citizens or threatens the peace of our country.

The Senator from Missouri [Mr. CLARK] said that we have contended that it is practically impossible to determine the difference between weapons of offense and weapons of defense. In that statement I thoroughly agree with him. It is impossible for us to tell whether the 5-inch gun mounted on the stern of a merchantman of Great Britain is an offensive weapon or a defensive weapon when we do not know how it will be used; but we do know that it is a defensive weapon when used on such ship. Ordinary experience and common sense have enabled us generally to tell the difference between a war vessel and a merchant vessel. They look different. They have different armaments. They are constructed for entirely different purposes. One of them is constructed for war purposes and the other for peacetime commercial purposes.

I admit, of course, that a merchantman might be converted into a warship, and we would determine for ourselves

whether or not it had been so converted. There is no doubt that during the World War the *Emden* was converted into a warship, into a raider. There is no doubt that when we armed our merchant vessels in March 1917 we did not thereby constitute them a part of our naval vessels. We did not intend to make them war vessels. We did not make them war vessels. They were not recognized by any of the belligerents as war vessels. Even Germany did not denominate them war vessels. Germany, however, did state that it was impossible for her submarines to comply with the usual requirement of international law by coming to the surface and going on board a merchant vessel and searching it for contraband by reason of the danger of being sunk by a gun on board the merchant vessel.

So I say to you that not during the World War, nor ever that I know of, has a weapon on board a merchantman, when it was evident that the vessel carried it solely for purposes of defense against being captured or sunk, constituted it a war vessel. Neither does the size of the gun, the fact that a 5-inch gun is carried on the rear of the vessel, constitute it a war vessel. As a matter of fact, we know whether a vessel is a raider or whether it is a merchant vessel engaged in a regular route of commerce between the belligerent country and our ports. If it has on board simply one gun or two guns, is not leaving that course, is not seeking any enemy vessel, and is armed simply for defense against submarine attack or air attack, then we know it is not a war vessel; and if it is not a war vessel, we should not treat it as a war vessel.

Of course, there is a distinction between our arming our vessels as a neutral and a belligerent arming its merchant vessels. The belligerent, in arming its merchant vessels, knows from experience that its enemy will sink those vessels if it gets a chance; and 9 times out of 10 the only chance the belligerent merchant vessel has to defend itself when attacked by a submarine is to sink the submarine. On the contrary, we know that one of our neutral vessels will not be sunk in ordinary cases if it does not carry an arm, does not try to escape, does not rely merely on the flag to identify it, but is identified by certain markings. The situation is different. It was dangerous to us to have belligerent merchantmen armed at the time we allowed our citizens to travel on them during the World War, but now that we prohibit our citizens from traveling on them it is not so much a matter of concern to us. What the Clark amendment proposes is that if a belligerent vessel arms for defense—which has been done all through time—that vessel may not engage in commerce in our country, without regard to whether or not there is any danger to our citizens or to our peace, because if there is danger to our citizens or to our peace the President is directed, under the proposed legislation, to put restrictions on such vessels coming into our harbors.

That is all I have to say at this time. I yield either to the Senator from Texas [Mr. CONNALLY] or to the Senator from Kentucky [Mr. BARKLEY].

Mr. CONNALLY. Mr. President, I desire to call the attention of the Senate to the fact that the language contained in section 11 of the joint resolution is the identical language contained in the existing embargo statute. There is no change whatever. To adopt the language incorporated in the amendment offered by the Senator from Missouri [Mr. CLARK] would be practically to destroy all commerce with belligerent nations, for the simple reason that Great Britain has a well-established policy of permitting her merchantmen to arm for defense only; and if we prohibit any armed merchantmen from coming into our ports, we automatically shut the door to every British ship which comes here for any purpose whatever. The door would be closed to French vessels.

Mr. President, what is this policy? It is the well-defined policy of the United States, and has been all along, to permit armed merchantmen to visit our ports when they are armed only for defense. That was the attitude of the United States during the World War.

I cite a letter from Secretary Lansing dated September 19, 1914, to the British Ambassador, in which he points out that

the United States will permit armed merchantmen to visit our ports if they are armed for defense only as against submarines. If they are armed for purposes of offense, they will be excluded. That is what this provision empowers the President to do; he may issue his own regulations, and if the vessels are warships, of course, they are excluded, except under the exceptions provided by international law, that they may visit a port for refueling and supplying themselves until they can reach their destination, and leave the port within 24 hours.

Mr. President, there is no danger to the peace of the United States. The pending measure is supposed to keep us out of war. Visits of armed merchantmen to ports of the United States, so long as they are armed only for their own defense as against submarines, cannot in anywise endanger the peace of the United States. They come and they depart. There is nothing to involve us.

The Disarmament Treaty of 1922, which was ratified by the Senate, recognizes this principle. In article XIV it is provided:

No preparations shall be made in merchant ships in time of peace for the installation of warlike armaments for the purpose of converting such ships into vessels of war, other than the necessary stiffening of decks for the mounting of guns not exceeding 6-inch (152 millimeters) caliber.

In other words, we recognize the principle that we will not permit merchant vessels to convert themselves into war vessels, but we explicitly provide that mountings may be prepared on merchant ships for the mounting of guns not larger than 6 inches. That is because even under the regulations issued by the President and under the attitude of the United States during the World War, we recognized that guns up to 6 inches were permissible as defensive weapons against submarines, but not for offensive purposes.

Furthermore, Mr. President, if we treat other nations in this way, if we ever get into war they will treat us the same way, exclude all of our commerce on merchant vessels which happen to have defensive weapons on them.

The Senator from Missouri read from the Supreme Court decision of Chief Justice Marshall in the *Nereide* case. The Chief Justice said in that case:

In point of fact, it is believed that a belligerent merchant vessel rarely sails unarmed—

"Rarely sails unarmed"—practically none of them sail unarmed.

So that this exception from the rule would be greater than the rule itself. At all events, the number of those who are armed, and who sail under convoy, is too great not to have attracted the attention of writers on public law; and this exception to their very general rule, if it existed, would certainly be found in some of their works.

Omitting portions of the opinion, this language occurs:

The antiquity of the rule is certainly not unworthy of consideration. It is to be traced back to the time when almost every merchantman was in a condition for self-defense, and the implements of war were so light and so cheap that scarcely any would sail without them.

Mr. President, the provision in question leaves the matter in the hands of the President. If a merchant vessel becomes a warship, he excludes it. He has power to issue rules and regulations, and there is absolutely no danger whatever. But the amendment of the Senator from Missouri would take away from the President that authority. He would arbitrarily close our ports.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. WHITE. I am sure the Senator from Texas has in mind that our merchant-marine legislation requires that all ships constructed by the Government shall be built on plans and specifications approved by our Navy, the ultimate purpose of the provision being that they shall be so constructed that defensive weapons may be mounted on them.

Mr. CONNALLY. I thank the Senator from Maine. There is no Senator in this body who knows more about the merchant marine or the shipping laws of this country than does the Senator from Maine; and I thank him for pointing out that

the law requires that, in the construction of merchant vessels, under the Maritime Commission, the plans shall be submitted to the Navy Department for the very purpose of enabling the Navy to see to it that they are so constructed that when war comes they may be able to mount weapons for defense, in conformity with the views which I am undertaking so poorly to express, and in conformity with the pending legislation.

Mr. President, I ask unanimous consent that I may have printed at the conclusion of my remarks a memorandum on this subject for the information of the Senate.

The PRESIDING OFFICER (Mr. BYRNES in the chair). Is there objection?

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

SHOULD ARMED MERCHANT VESSELS OF BELLIGERENT COUNTRIES BE PERMITTED TO ENTER THE PORTS OF THE UNITED STATES?

The laws of naval warfare are based for the most part upon custom. The practice of arming merchant vessels for defensive purposes is of ancient origin, having been carried on for at least three centuries. Authorities in international law state that the historical evidence as to the arming of merchant ships in self-defense from the time of Charles I onward is conclusive, citing numerous acts of the seventeenth and eighteenth centuries, and the practice of merchant vessels in carrying guns for self-defense not only in times of war but also in times of peace. (Higgins' *Defensively Armed Ships and Submarine Warfare*, 1917, pp. 6, 7.)

Speaking for the Supreme Court in 1815, Chief Justice Marshall stated:

"In point of fact, it is believed that a belligerent merchant vessel rarely sails unarmed. * * * At all events, the number of those who are armed and who sail under convoy is too great not to have attracted the attention of writers on public law"—and he adds that there was a time "when almost every merchantman was in a condition for self-defense, and the implements of war were so light and so cheap that scarcely any would sail without them." (The *Nereide*, 9 Cranch, p. 426.)

Another authority states that the introduction of armament intended to be used exclusively for defensive purposes by merchantmen "is sanctioned by the long-established custom of many maritime powers; in this country (Great Britain) the practice has definitely been established for at least three centuries." (Sir Frederick Smith, *The Destruction of Merchant Ships Under the Naval Law*, 1917, p. 20.)

Indeed, the practice of arming merchant vessels for defense was compulsory in England in the seventeenth century (Higgins, *supra*) and commercial contracts elsewhere seem to have required such arming. (The *Panama*, 176 U. S. 535.)

Although merchant vessels were armed primarily for defense against privateers and pirates, this was not exclusively the case, such vessels being armed when fitting out for trading voyages to certain foreign countries as a protection against the natives. (Moore's *Digest of International Law*, vol. 2, p. 1070.)

Privateering was abolished by the first article of the Declaration of Paris of April 16, 1856, but despite the disappearance of piracy and the abolition of privateering, merchant vessels continued to arm for self-defense when the conditions necessitated it and the right to do so was uncontested at the time of the outbreak of the World War. (See II Hyde, *International Law Chiefly as Interpreted by the United States*, sec. 709 and the authorities there cited.) The reason for the rule is well stated by Professor Stowell:

"It is the most fundamental right we can think of for a man to defend his property unless somebody with authority comes to take it from him. A merchant sailing the seas has a right to defend his property unless somebody under authority comes to take it from him. Certainly the enemy are not coming with authority to take it from him unless by international law they have been given that right; but to the present day that right has never been given." (Proceedings, American Society of International Law, 1917, p. 22.)

After the outbreak of the World War and the use of submarines against merchant shipping, the distinction between offensive and defensive armament, which had not theretofore received any particular attention, became a matter of widespread discussion and controversy, due to the vulnerability of the submarine to attack. Chandler P. Anderson, in an address before the American Society of International Law, took the position that—

"The status of armed merchantmen depends primarily upon whether their armament is for aggressive or for defensive purposes. The merchantman armed for attack upon commerce or upon enemy ships loses its status as a merchantman and acquires that of an auxiliary cruiser or privateer, which puts it outside of the scope of the present discussion. On the other hand, a merchantman armed solely for self-defense retains its status as a private ship, either on the high seas or in the territorial waters of a neutral, so long as it attends strictly to its legitimate business of carrying cargoes and passengers. This was the accepted rule prior to the present war and until Germany discovered that a merchantman armed for defense and retaining its status as a private ship presented an obstacle to the unrestricted use of submarines as commerce destroyers." (Ibid., p. 11.)

In answering the question, "What is defensive armament?" Higgins states that, "there is in fact, no difference between offensive and defensive armament, a 6-inch gun can be used for either purpose;

but a 6-inch gun is placed on a merchant ship in order to enable it to defend itself from capture. 'It is not the nature of the armament but the use which is made of it that makes it offensive.' (Dr. Ellery Stowell in the New York American, March 7, 1916.) A warship is entitled to act on the offensive, to visit, search, and capture enemy or neutral ships; the armed merchantmen must do none of these things, except when capture follows on a successful resistance to attack by an enemy warship" (supra, p. 21).

Professor Garner takes the position that the contention of the German Government that a merchant vessel has no right to defend itself against attack by a warship and that every merchant vessel which carries armament for any purpose, whether for defense or attack, must be treated as a warship "was contrary to the views of practically all the authorities, contrary to the practice of the past, and contrary to the rules laid down in the prize codes of all the maritime powers, including even that of Germany itself." (International Law of the World War, vol. 1, p. 393.)

The question whether a merchant ship is armed for offense or defense is, of course, important in determining the rights of the vessel. If the ship is armed for offensive purposes, it is clear that its rights would be entirely different from those of a private vessel, which is its status if it is armed for defense only. This would be particularly true with reference to its access to neutral ports. Warships of belligerents are not admitted to neutral ports except for a very short period, and are limited in the amount of supplies they may receive, whereas an ordinary merchant vessel may be allowed to stay in port as long as it chooses and take on as much provisions and cargo as it chooses.

The right of merchant vessels carrying armament for defensive purposes only to use the ports of the United States was raised early in the World War. The position of this Government was set forth in a memorandum of September 19, 1914, which stated that a merchant vessel of belligerent nationality might carry an armament and ammunition for the sole purpose of defense without acquiring the character of a ship of war, and that any presumption that the armament was for offensive purposes might be overcome by evidence showing that the vessel was armed solely for defense. The memorandum continued that the ship must show conclusively that its armament was not intended for offensive operations, and certain specifications concerning the size and number of guns, their position on the vessel, the quantity of ammunition carried, etc., were laid down as indicative that the armament would not be used offensively. (American White Book, vol. 2, p. 43.)

As a result of further controversy with the British and German Governments concerning the status of armed merchant vessels, the Department of State issued a memorandum on the status of such vessels on March 25, 1916. That memorandum stated that the status of an armed merchant vessel in neutral waters might be determined, in the absence of documentary proof or conclusive evidence of previous aggressive conduct, by presumption derived from all the circumstances of the case. It went on to define the relations of belligerents and neutrals as effected by the status of armed merchant vessels in neutral ports, and in that connection said:

"(4) Merchantmen of belligerent nationality armed only for purposes of protection against the enemy are entitled to enter and leave neutral ports without hindrance in the course of legitimate trade.

"(5) Armed merchantmen of belligerent nationality under a commission or orders of their government to use, under penalty, their armament for aggressive purposes, or merchantmen which, without such commission or orders, have used their armaments for aggressive purposes, are not entitled to the same hospitality in neutral ports as peaceable armed merchantmen." (American White Book, vol. 3, pp. 190-191.)

All other neutral states, excepting Holland, recognized the legality of armed merchant ships during the World War by admitting them to their ports on the usual terms of ordinary merchant vessels. A few states made regulations stipulating certain terms on which the armed merchant vessels would be admitted, but only one state, the Netherlands, refused to admit defensively armed merchant ships into its ports on the footing of ordinary merchant ships. (Higgins, pp. 17, 18.)

The possibility of arming merchant ships was specifically recognized by this and other governments in the treaty limiting naval armaments concluded at Washington, February 6, 1922, article XIV of which stipulates that decks may be stiffened "for the mounting of guns not exceeding 6-inch (152 millimeters) caliber."

It is believed to be clear from the foregoing that the general rule of international law is that merchant vessels may arm for defense without loss of their private character and that they may, therefore, be admitted to the ports of a neutral as merchant vessels and not warships.

Mr. BARKLEY. Mr. President—

Mr. CONNALLY. I yield to the Senator.

Mr. BARKLEY. How much more time remains?

The PRESIDING OFFICER. The Senator from Texas has 2 minutes more.

Mr. BARKLEY. I wish to say, in the remaining time, that under the pending measure we outlaw any commerce between the United States and belligerent nations on our own ships, and if this amendment should be agreed to, we would outlaw any commerce between the United States and belligerents on their ships; so we would impose an embargo

on commerce between the United States and any belligerent country.

There is a difference between the treatment a submarine should receive at the hands of a neutral and the treatment an armed merchant vessel should receive. A merchant vessel is out on the sea, it is above board, it can be seen, it can be regulated. It is subject to strict regulations within the 3-mile limit. But that is not true of a submarine. If we start out after it and undertake to punish it as a result of some violation of our regulations, it will submerge and escape. What we are asked to do by the amendment is to provide that a merchant vessel, a vessel carrying on commerce between a belligerent and our country, if it mounts a gun in order to defend itself from an assassin, cannot enter our ports. That is what it amounts to.

Mr. GEORGE. Mr. President, I call the attention of the Senator to the fact that a submarine is not a merchant vessel.

Mr. BARKLEY. Of course a submarine is not a merchant vessel; it is a war vessel.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. CLARK] to the amendment of the committee.

Mr. CLARK of Missouri. Mr. President, I yield the remainder of my time to the junior Senator from Nevada [Mr. McCARRAN].

Mr. ADAMS. Mr. President, may I propound a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. ADAMS. Am I to understand that other Senators are now precluded from speaking on this amendment, by the unanimous-consent agreement? I desired to offer some remarks in connection with it. I was not here at the time the agreement was made; there was no quorum call—and there did not have to be one, I admit—but I thought a certain amount of time was allowed to each Senator. This is a very vital amendment.

The PRESIDING OFFICER. The Chair is informed that there was an agreement by unanimous consent under which the time was to be divided, one half of the time to be controlled by the Senator from Missouri [Mr. CLARK] and the other half by the senior Senator from Nevada [Mr. PITTMAN].

Mr. McCARRAN. Mr. President, let me say in that regard, in order that I may comply with the entirely correct request or suggestion of the Senator from Colorado, that I hope to confine my remarks to approximately half of the time allotted, which will be about 10 minutes. I will try to cut my remarks down.

Mr. CLARK of Missouri. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK of Missouri. In view of the fact that I have given assurances to the senior Senator from Nevada [Mr. PITTMAN] that there would be only one more speech on our side and in view of the fact that, under the unanimous-consent agreement, the time on this side is to be controlled by me, if the junior Senator from Nevada does not use the time which has been allotted to him, it seems to me good faith would require that there should be a vote when he concludes.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the time was to be divided, the Senator from Missouri [Mr. CLARK] to control the time on his side, and he has yielded to the junior Senator from Nevada [Mr. McCARRAN].

Mr. CLARK of Missouri. In view of the fact that I assured the senior Senator from Nevada [Mr. PITTMAN] that there would be only one speech on this side, which was the occasion for the time on the other side being divided as it was, I do not feel that in good faith I have a right to have the time on this side further divided.

The PRESIDING OFFICER. The Chair understood the Senator from Missouri to yield the balance of his time to the junior Senator from Nevada, and has recognized the junior Senator from Nevada.

Mr. McCARRAN. Mr. President, I send forward, and shall later ask, to have read by the clerk and inserted in the RECORD

a letter received by the senior Senator from Missouri [Mr. CLARK] from Prof. Edwin Borchard, dated October 26, 1939. Professor Borchard will be recognized as an outstanding authority on international law, and he has given much attention to the particular subject now before us.

I realize at the outset that I probably am talking against a determined defeat. The Senate has been voting down every amendment right straight along. It has voted so as to place the stamp of approval upon the use of gas in war. It has even voted so as to place the stamp of approval upon flame throwers in war. But I think that it is worth while that the Senate of the United States should give serious attention to the particular amendment now pending, because some day or other we will review the whole situation, and those who are really interested, perchance in an hour when we may not be at peace, as we are now, will wish that they had given more thought to the subject; and that is by no means said by way of criticism of those who will vote against the position I take.

Mr. President, as I view the situation, speaking along the lines of my humble experience, the law has been determined, so far as a court of last resort for this country can determine it, in the *Nereide* case. That case covers some forty-odd pages, giving a very complete history of the *Nereide*, her lessor, her master, and the cargo which she carried. She was at that time flying the British flag. She was chartered by a citizen of a neutral country, and the fact of the neutrality of that particular country was sought to be impressed upon her. She carried 10 guns, mounted, and there were 16 men in the crew. She was, according to Chief Justice Marshall, a belligerent, which had mounted guns for offense and defense, and therefore she must take the consequences which might befall such a vessel. That was Chief Justice Marshall's decision. Senators may read it as long and as often as they like, and they can reach no other conclusion.

Mr. President, what is the purpose of the pending amendment? Let us go back to first principles. The purpose of the amendment proposed by the Senator from Missouri is to protect America so far as possible by providing that vessels of a belligerent nation which are armored, which have guns mounted on them, shall not enter the territorial waters of the United States, nor its ports, when, as the result of what may happen upon their leaving our territorial waters, they may bring us into war. That is the whole story and purpose of the amendment.

Even though it may be in the present law, I have no objection to it being written into the pending measure. Even though it is written in the law as it is now, it will do no harm to write it in again.

Mr. President, the able Senator from Texas [Mr. CONNALLY] is entirely correct in many of his expressions, but the able Senator in applying the *Nereide* case forgets the fact that implements of war used on the water have been changed since the decision in the *Nereide* case was written. Today we have the submarine, which is known to be a destructive agency. But the submarine may also be a merchant vessel carrying merchandise, and may ply the waters of the world without mounted guns or without carrying guns at all. We have an example of such a vessel. A merchant vessel plying the sea under the waves left a German port during the World War and carried a complete cargo of merchandise—noncontraband merchandise, if you please. She went beneath the waters and came up in an American port, but she did not carry a single gun; she came over here without carrying a gun, either for offense or for defense or for any purposes. She later left the American port and returned to her home port.

Mr. CONNALLY. Mr. President, will the Senator yield?
Mr. McCARRAN. I yield.

Mr. CONNALLY. The Senator from Nevada honored the Senator from Texas when he mentioned his name a moment ago and said the Senator from Texas had forgotten that methods of warfare had changed since the decision in the *Nereide* case. Does not the Senator from Nevada, as a distinguished lawyer and a great jurist, recognize that defensive measures are proportioned and are measured by the offensive

measures which are taken against a country, so that with the coming into being of the submarine-defensive processes as against the submarine would come along in the natural course of events? One hundred years ago—

Mr. McCARRAN. Mr. President, I hope the Senator from Texas will not use any of my time in which to make a speech.

Mr. CONNALLY. I beg the Senator's pardon. I would not have interrupted his speech if it had not been that the Senator emboldened me by referring to my statement.

Mr. McCARRAN. In answering the Senator's question, I take great confidence from the fact that for the past 2 days I have heard the Senator say that an offensive weapon cannot be distinguished from a defensive weapon.

Mr. CONNALLY. One can distinguish the use of them, though.

Mr. McCARRAN. One may be able to distinguish the use of them; but when a submarine comes up and knows that a belligerent vessel of the enemy is in the neighborhood, and that it is instructed to shoot at the submarine on sight, and also knows that one blast from that enemy vessel will sink the submarine, then the submarine can take no chances.

Mr. President, a submarine merchant vessel is as much a merchantman as is a surface merchant vessel. If a submarine merchant vessel can enter one of our ports carrying noncontraband of war, as did the *Deutschland*, which came across the ocean to our shores, without carrying a gun, and went into one of our ports and left the port and went out to sea again—if a submarine can do that, then she is as much a merchantman as is a surface merchant vessel.

That, however, is beside the question. The thought I wish to impress upon the Senate now, shearing from the question everything else, is that our court of last resort has dealt with this question conclusively. The attempt was made to prove that this vessel, the *Nereide* was plying the ocean without any idea of being a belligerent or a war vessel. Chief Justice Marshall, in dealing with the question, brushed aside everything else and held that since she had mounted guns she was armed either for offensive or defensive purposes, and therefore she must take her chances. Why do I deal with that point?

Mr. PITTMAN. Mr. President, the Senator will not find the words "offensive" or "defensive" in the opinion.

Mr. McCARRAN. No; those words will not be found in the decision, but Senators will find the conclusion I have stated. The words I have employed are not used in the decision, but, remember, I am dealing with an opinion of some 40 pages in the short period of 20 minutes.

Mr. President, that is not the question now before us. The question before us is, How can we fortify ourselves so as not to be drawn into the present European war or any other war? That is the object, that is the aim, that is the purpose of the pending amendment. That being true, then if a submarine, whether armed or unarmed, is to be regarded as a vessel which should not enter our ports, an armored merchantman, whether armed for offense or defense, should be placed in the same category. No one can draw the line, as was so well said by the able Senator from Texas, as to whether it is armed for offense or defense. Otherwise we say to the world that we will not allow to come into our ports the submarines of one nation or another nation, but we will allow to come into our ports the armed surface vessels, every one of which, so far as destruction is concerned, has the same potentialities.

Mr. President, I now ask that the letter written by Edwin Borchard to the Senator from Missouri [Mr. CLARK] be read.

The PRESIDING OFFICER (Mr. HILL in the chair). Without objection, the clerk will read as requested.

The legislative clerk read as follows:

YALE UNIVERSITY SCHOOL OF LAW,
New Haven, Conn., October 26, 1939.

The Honorable BENNETT C. CLARK,
United States Senate, Washington, D. C.

DEAR SENATOR CLARK: I hope you can succeed in having armed merchantmen excluded from American ports. In association with the exclusion of submarines, the admission of armed ships is not

merely unneutral but I believe it to be inherently contrary to international law. If British ships must arm, let them unload and reload their arms at Halifax.

I devoted a chapter of the book *Neutrality for the United States* to the mishandling of the armed-ship question during the late war. You are also acquainted with John Bassett Moore's letter to the *New York Evening Sun* of September 27.

At the Pan American Conference of Havana, 1928, a neutrality convention was adopted by which practically all the Latin American countries agreed to treat armed merchant ships entering their ports as having the status of warships. The United States made a reservation on that particular section for reasons of which I am not aware. But the Latin Americans did not make a reservation.

I now find that in the Panama declaration of October 3, 1939, there is a passage to the effect that armed belligerent merchantmen carrying not more than four 6-inch guns mounted on the stern shall not be assimilated to warships. The mention of four 6-inch guns leads me to believe that the United States is unfortunately now subverting the Latin American countries, perhaps under the head of the good-neighbor policy, from their adherence to law to our departures from law. All the Latin Americans seem to have been able to save was the reservation that the guns be mounted on the stern, whereas we seem to be openly admitting ships armed fore and aft.

A treaty was signed in Washington, February 6, 1922, between the United States, Great Britain, France, Italy, and Japan to protect, among other purposes, the lives of neutrals and non-combatants at sea in time of war. Article I, relating to submarines, reads as follows:

"(1) A merchant vessel must be ordered to submit to visit and search to determine its character before it can be seized.

"A merchant vessel must not be attacked unless it refuse to submit to visit and search after warning or to proceed as directed after seizure.

"A merchant vessel must not be destroyed unless the crew and passengers have been first placed in safety.

"(2) Belligerent submarines are not under any circumstances exempt from the universal rules above stated; and if a submarine cannot capture a merchant vessel in conformity with these rules the existing law of nations requires it to desist from attack and from seizure and to permit the merchant vessel to proceed unmolested."

You will thus observe that submarines are expressly treated as lawful naval vessels and particularly as having the right to visit and search. These merchant vessels may be attacked if, after warning, they refuse to submit. How, then, could it possibly be argued that a merchant vessel may carry armament to resist visit and sink the submarine? The gun precludes any possibility of visit. Accompanied as it is by orders to sink and ram submarines, the armed merchantman is "an open and declared belligerent." We should follow the concise reasoning of Holland, which during the late war defended its right, as against Great Britain, to refuse to admit armed British merchantmen to Dutch ports.

Very faithfully yours,

EDWIN BORCHARD.

Mr. McCARRAN. Mr. President, in order that the Senate may have a glimpse of the language of Chief Justice Marshall in the *Nereide* case, I shall read a short excerpt from it. He speaks of the argument by which it was sought to establish that the *Nereide* was a peaceful merchant vessel plying to a neutral port. She was on her way to a port in South America. Chief Justice Marshall says:

The *Nereide* has not that centaur-like appearance which has been ascribed to her; she does not rove over the ocean, hurling the thunders of war, while sheltered by the olive branch of peace; she is not composed in part of the neutral character of Mr. Pinto—

Who was a contractor on the vessel—

and in part of the hostile character of her owner. She is an open and declared belligerent; claiming all the rights, and subject to all the dangers, of the belligerent character.

Let us consider the present situation. If I am not mistaken, the rules and regulations of the British Admiralty provide that every merchantman subsidized by British money, and flying the British flag, shall be an auxiliary member of the British Navy in time of war in which England is involved. More than that, every merchantman subsidized by British money must carry mountings for guns and armament. Following that we have the regulations set out by the British Admiralty during the World War, in which such vessels were ordered to fire on submarines at sight. They were taking no chances.

Mr. President, all this is mentioned to show that today such vessels are just as much a part of the British Navy as though they were armored cruisers, save and except they are not exactly so constructed. Nevertheless, they are just as destructive within the ability of the guns they carry.

The PRESIDING OFFICER. The time of the Senator from Nevada has expired. The question is on the amendment of the Senator from Missouri [Mr. CLARK] to the committee amendment.

Mr. CLARK of Missouri. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Davis	La Follette	Schwartz
Andrews	Downey	Lee	Schwellenbach
Austin	Ellender	Lucas	Sheppard
Bailey	Frazier	Lundeen	Shipstead
Bankhead	George	McCarran	Slattery
Barbour	Gerry	McKellar	Smathers
Barkley	Gibson	McNary	Smith
Bilbo	Gillette	Maloney	Stewart
Borah	Green	Mead	Taft
Bridges	Guffey	Miller	Thomas, Okla.
Brown	Gurney	Minton	Thomas, Utah
Bulow	Hale	Murray	Tobey
Burke	Harrison	Neely	Townsend
Byrd	Hatch	Norris	Truman
Byrnes	Hayden	Nye	Tydings
Capper	Herring	O'Mahoney	Vandenberg
Caraway	Hill	Overton	Van Nuys
Chandler	Holman	Pepper	Wagner
Chavez	Holt	Pittman	Walsh
Clark, Idaho	Hughes	Radcliffe	Wheeler
Clark, Mo.	Johnson, Calif.	Reed	White
Connally	Johnson, Colo.	Reynolds	Wiley
Danaher	King	Russell	

The PRESIDING OFFICER. Ninety-one Senators have answered to their names. A quorum is present.

The question is on the amendment offered by the Senator from Missouri [Mr. CLARK] to the amendment in the nature of a substitute.

On that question the yeas and nays have been ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. SHIPSTEAD (when his name was called). I am paired with the senior Senator from Virginia [Mr. GLASS]. I am informed that if present he would vote "nay." I transfer my pair with him to the senior Senator from Washington [Mr. BONE] and will vote. I vote "yea."

The roll call was concluded.

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Virginia [Mr. GLASS] are detained on account of illness.

The Senator from Arizona [Mr. ASHURST] is detained by illness in his family.

The Senator from Ohio [Mr. DONAHEY] is unavoidably detained.

Mr. McNARY. The Senator from Massachusetts [Mr. LODGE] is unavoidably detained. I am informed that if present he would vote "yea."

The result was announced—yeas 26, nays 65, as follows:

YEAS—26

Borah	Downey	McCarran	Tobey
Bulow	Frazier	McNary	Vandenberg
Capper	Holman	Nye	Walsh
Chavez	Holt	Overton	Wheeler
Clark, Idaho	Johnson, Calif.	Reed	Wiley
Clark, Mo.	La Follette	Reynolds	
Danaher	Lundeen	Shipstead	

NAYS—65

Adams	Ellender	Lee	Sheppard
Andrews	George	Lucas	Slattery
Austin	Gerry	McKellar	Smathers
Bailey	Gibson	Maloney	Smith
Bankhead	Gillette	Mead	Stewart
Barbour	Green	Miller	Taft
Barkley	Guffey	Minton	Thomas, Okla.
Bilbo	Gurney	Murray	Thomas, Utah
Bridges	Hale	Neely	Townsend
Brown	Harrison	Norris	Truman
Burke	Hatch	O'Mahoney	Tydings
Byrd	Hayden	Pepper	Van Nuys
Byrnes	Herring	Pittman	Wagner
Caraway	Hill	Radcliffe	White
Chandler	Hughes	Russell	
Connally	Johnson, Colo.	Schwartz	
Davis	King	Schwellenbach	

NOT VOTING—5

Ashurst	Donahey	Glass	Lodge
Bone			

So the amendment of Mr. CLARK of Missouri to the amendment of the committee in the nature of a substitute was rejected.

Mr. CONNALLY. Mr. President, I ask unanimous consent to offer a mere textual amendment which is to the amendment offered jointly by the Senator from Nevada [Mr. PITTMAN] and myself and which has already been adopted. Instead of moving to reconsider the vote by which the amendment was adopted, I ask unanimous consent to offer the amendment to it. I will explain my proposed amendment briefly.

In the language adopted the other day, we described the exemptions from title requirements and shipping "to any port on the south Atlantic Ocean south of 30° north latitude." I simply want to strike out the word "south" before the word "Atlantic" and say, "No port of the Atlantic Ocean south of 30° north latitude," because if we use the words "south Atlantic" it might apply only south of the equator, whereas we seek to make it apply up to 30° north latitude. I ask unanimous consent that the Senate may consider that amendment to the text of the amendment heretofore agreed to without reconsidering the amendment which has been agreed to.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Texas to the amendment heretofore adopted.

The LEGISLATIVE CLERK. The amendment heretofore adopted reads:

To any port on the south Atlantic Ocean south of 30° north latitude.

Mr. CONNALLY proposes to strike out the word "south" so that the amendment, when perfected, will read:

To any port on the Atlantic Ocean south of 30° north latitude.

Mr. PITTMAN. Mr. President, I hope that amendment will be agreed to, because—

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas that the amendment to the amendment be considered by unanimous consent? The Chair hears none, and the amendment to the amendment is agreed to.

Mr. WHEELER. Mr. President—

Mr. PITTMAN. Mr. President, since the Chair cut me off, I should like to finish my sentence.

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nevada?

Mr. WHEELER. I yield.

Mr. PITTMAN. I was in the middle of a sentence when the Chair undertook to facilitate matters. I wanted to say that I was in favor of the amendment offered by the Senator from Texas to the amendment because—I had reached the word "because"—the south Atlantic is below 30°, and it simply would be a conflicting definition to say "the south Atlantic Ocean south of 30° north latitude." That is all I desired to say.

Mr. WHEELER. Mr. President, I move that the Senate now consider the motion which I entered the other day to reconsider the vote by which the amendment offered by the Senator from Missouri [Mr. CLARK], relating to the appointment by the President of the Senate of two Members of the Senate and by the Speaker of the House of two Members of the House of Representatives to the National Munitions Control Board, was rejected.

The PRESIDING OFFICER. The question is on the motion of the Senator from Montana to reconsider the vote by which the amendment referred to by him was rejected. Is there objection? The Chair hears none, and the question now is on the motion of the Senator from Montana to reconsider the vote by which the amendment referred to was rejected.

Mr. CLARK of Missouri. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PITTMAN. Mr. President, I do not think ordering yeas and nays shuts off debate. I have only a few words to say.

I was not present when the vote was taken on this amendment. I wish to say that I was inclined then to favor the amendment. I do not consider that it has the importance which some of those who advocate it attach to it. Nevertheless, had I been present I should have voted for it. However there has been extended debate on the merits of the question, and I do not think that any further debate is necessary. There was a substantial majority against the amendment.

I may again say, as has been said several times, that a group of the members of the Foreign Relations Committee cooperated in the framing of the proposed legislation. I find that a great majority of them are not in accord with my idea that it would be advisable to adopt the amendment of the Senator from Missouri.

I make this statement frankly because I shall vote "no" on the motion to reconsider.

Mr. CLARK of Missouri. Mr. President, it had not been my purpose to detain the Senate with a discussion of this matter, because I agree with the Senator from Nevada that the amendment was sufficiently discussed prior to the original vote. At the same time, however, it seems to me the statement of the Senator from Nevada calls for a few remarks.

Mr. President, the Senator from Nevada said that when this amendment was adopted just a few days ago if he had been on the floor he would have been prepared to vote for it. He now says the amendment was defeated by a substantial majority—"a substantial majority" in which a change of a few votes would have caused a tie vote in the Senate at that time, and in which the votes of Senators who were unavoidably detained might possibly have changed the result.

Therefore it seems to me that if the conviction of the Senator when the matter was before the Senate the other day was in favor of that amendment certainly nothing has happened since which should change his conviction on a matter of this importance.

Let me say further, Mr. President, that the admission of the Senator that he is bound by caucus action in a Senate committee is the greatest criticism I have heard of the suggestion of adjourning politics during the consideration of this momentous question.

Mr. HAYDEN. Mr. President—

Mr. CLARK of Missouri. I yield to the Senator from Arizona.

Mr. HAYDEN. Mr. President, I was not present when the vote was taken the other day. Like the Senator from Nevada, I was inclined to vote with the Senator from Missouri, but when the Senate has passed judgment on a question in due order, and a majority of the Senate has made up its mind, I am going to be guided by the majority. I am not going to vote for the motion to reconsider.

Mr. CLARK of Missouri. The Senator, of course, can vote as he pleases, but on the theory which the Senator from Arizona and the Senator from Nevada have announced there is absolutely no sense in the principle of the rule providing for reconsideration or in the ordinary parliamentary rules for reconsideration, because if any Senator feels himself bound by a majority of 4 in a body of 96, when some Senators were absent, there is no sense in having the principle of reconsideration whatever in our rules.

Mr. PITTMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. CLARK of Missouri. I yield.

Mr. PITTMAN. The way I vote is a matter for me to decide and the Senator from Missouri has a right to decide as to how he shall vote.

Mr. CLARK of Missouri. Of course the Senator from Nevada has a right to vote as he pleases on any question, and I certainly would be the last to challenge that right, but I think, if the Senator will permit me to say so, a majority of 4 in a body of 96 certainly should not bind anybody.

Mr. PITTMAN. I wish to say, as I said before, I am very sorry that my attitude does not appeal to the Senator from Missouri.

Mr. CLARK of Missouri. I am sorry, too.

Mr. PITTMAN. To me it is of some importance whether it does appeal to the Senator from Missouri because I consider him probably the best-versed man in parliamentary law, in the history of statesmanship, patriotism, and ethics in this Chamber, and even when I am in a two-thirds majority I feel very humble by reason of that fact. Still I cannot agree with the Senator from Missouri.

I stated I was inclined to support his amendment and if I had been present at the time of the vote I should have done so. I also stated that I did not consider it of serious importance. Everyone admits that to provide for the appointment of Members of Congress on the Board would probably be running into the face of the Constitution. Furthermore, if there were four Members of the Congress on the Board there would still be five members of the Cabinet to override the four on any controverted matter. In January, according to the provisions placed in the pending joint resolution, the Board must report to this body. That report must contain all the information that the Congress could think of demanding. But this is the trouble: Are Members of Congress sufficiently familiar with export and scientific matters in the 2 months before the Congress will meet in January to prepare a report? Whether or not it is advisable to make some change in that board, I will determine for myself when I see the report.

It may be, so far as I am concerned, that I shall vote for the establishment of an entirely different kind of board; but in this matter the Senator is critical because I feel like acting with a few of our Senators who did not happen to agree with the Senator from Missouri. I have not criticized him.

Mr. CLARK of Missouri. I think the Senator will agree that I have at no time made any criticism. I even went to the trouble of calling up the Senator from Nevada to call his attention to the fact that I had been invited to a meeting of the caucus by mistake, and the Senator very frankly said that it had been by mistake, which I recognized when I received the invitation. I took that in perfect good part. I might have gone over and embarrassed the Senator and his associates in the caucus by appearing in response to the invitation which had been telephoned from the Committee on Foreign Relations to my office. I did not do that. I called up the Senator from Nevada; and, after being told once or twice that the Senator from Nevada was not coming down to the Senate that day, I succeeded in getting him on the telephone and asked him the frank question, and he gave me a frank answer, which I took in perfect good part.

So I am not criticizing the action of the Senator from Nevada in acting with his associates in the committee caucus. I simply desire to call attention to the fact that since the action on this amendment the other day, when the Senator from Nevada says he would have voted for the amendment, nothing has intervened which has changed the situation in regard to the amendment. I do not criticize the Senator from Nevada for changing his mind. That is a right which he has at any time. I am simply calling attention to the fact that the situation has not in the slightest degree changed since the other day, when this amendment was originally voted on.

Mr. PITTMAN. Mr. President, let me finish.

Mr. CLARK of Missouri. I shall be glad to let the Senator finish.

Mr. PITTMAN. The Senator did say something that was rather critical of the close association of those who drafted the pending joint resolution. I very much dislike to hear the criticism of the Senator from Missouri. It always pains me when he criticizes me.

Mr. CLARK of Missouri. I do not know when I have criticized the Senator or anybody else.

Mr. PITTMAN. Yes; the Senator has criticized me several times during the debate. It has pained me every time he has done it, because, as I said before, there is no one whose ability and patriotism and historical knowledge and ethics and parliamentary ability I consider superior to his. It happened, however, that I was thrown with 12 other Senators in the committee who, while being probably not so highly quali-

fied as the Senator from Missouri with regard to all these matters, happened to be personal friends of mine. They happened not to be led by the Senator from Missouri with regard to the embargo, and I involuntarily associated myself with them; and I gave—unfortunately, as the Senator from Missouri would think—probably too much consideration to their opinions with regard to these matters; and therefore I am subject to criticism.

I have not mentioned anything at all about any meeting that the Senator from Missouri has been in ever since we came to Washington on the 20th of last month. Not a word have I said about it, and I have not any criticism to make about it; but, unfortunately, every time there is a meeting of a few Democrats, members of the Foreign Relations Committee, something awful has happened in the opinion of the Senator from Missouri.

Mr. CLARK of Missouri. Mr. President, I certainly have uttered no criticism at all of any meeting that anybody holds or that any group of Senators of any category wants to hold at any time. I certainly never said a word to the Senator from Nevada in any sort of criticism about the caucus that was held on the Saturday before the joint resolution was reported, and on the Monday following, when the full committee was called together. I went over very humbly, and, while the motion-picture machines and klieg lights were all going, I threw my hat very quietly into the committee room, and when it was not thrown out I walked in and sat down at the table. [Laughter.]

Mr. BARKLEY. Mr. President, will the Senator from Missouri yield to me?

Mr. CLARK of Missouri. I yield to the Senator from Kentucky; in fact, I yield the floor.

Mr. BARKLEY. I do not wish to take the time of the Senator, but the Senator has used the word "caucus" with some invidious implications.

Mr. CLARK of Missouri. Nothing except what is involved in the word "caucus."

Mr. BARKLEY. The Senator realizes, of course, as do all other members of the majority in the committee, and members of the minority, too, that he was not in sympathy with the proposal.

Mr. CLARK of Missouri. Certainly I was not; and, Mr. President, I want the Senator from Kentucky to understand that I make no complaint about that.

Mr. BARKLEY. I understand.

Mr. CLARK of Missouri. I have been sitting in caucuses ever since I was a little boy, and I expect to sit in a good many more before I die.

Mr. BARKLEY. I hope the Senator will sit in many, and I hope he will sit in many of which I myself am a member, because it is always painful to me for any group of Democrats to sit together and the Senator from Missouri to be absent.

Mr. CLARK of Missouri. As it is to me, Mr. President.

SEVERAL SENATORS. Vote! Vote!

Mr. BARKLEY. Under those conditions, let us vote.

Mr. CONNALLY. Mr. President, I desire to take just a minute.

The attitude of the Senator from Missouri [Mr. CLARK] is that he thinks the Senate ought to reconsider and change its mind, but he is opposed to the Senator from Nevada [Mr. PITTMAN] reconsidering and changing his mind.

Mr. CLARK of Missouri. Mr. President, if the Senator will permit me, I made no such statement. I said that anybody has a right to change his mind at any time he wants to do so.

Mr. CONNALLY. Mr. President, the conclusion the Senator from Missouri arrived at was that he thought the whole Senate ought to agree to his amendment, and he wanted to change its mind, but it was an offense for the Senator from Nevada and the Senator from Arizona to reconsider and change their minds.

I hope this amendment will not be adopted.

SEVERAL SENATORS. Vote! Vote!

Mr. CONNALLY. Just a moment. I am trying to get through. I should like to have the occupants of the galleries quit hollering "Vote!" [Laughter.]

What is the sense of putting two Senators and two Representatives on this Board? Why not put two Senators in the Cabinet and two Representatives in the Cabinet?

SEVERAL SENATORS. That would be a good idea.

Mr. CONNALLY. Why not provide that the Secretary of War must have two assistant secretaries, one a Representative and one a Senator; or that the Department of Commerce must have two Representatives and two Senators on its staff?

This is an executive function. We have control of the Board by law. We can examine them. We can pull them over the coals. We can get all the information they have through these reports. This is simply an attempt to make them half fish and half fowl—yes, fowl—[laughter]—half fish and half fowl.

I hope the Senate will not reconsider its action on this amendment, but will let us go ahead and pass the joint resolution.

Mr. BURKE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Nebraska?

Mr. CONNALLY. I yield.

Mr. BURKE. The argument of the Senator from Texas is very persuasive.

Mr. CONNALLY. I thank the Senator.

Mr. BURKE. I voted for the amendment of the Senator from Missouri [Mr. CLARK] the other day, not because I had any very great faith that it was a vital step but largely because of my deep affection for the Senator from Missouri, and because I could not see any real objection to it; but after considering the matter very carefully in the interim, and listening to the argument of the Senator from Texas and others, it seems to me it is bad policy. Therefore, I shall run the risk of being accused of changing my mind, and vote against the amendment.

SEVERAL SENATORS. Vote! Vote!

Mr. WHEELER. Mr. President, I shall detain the Senate for only a moment. I was not here the other day when this matter was voted upon. Had I been here, I should have voted for the amendment; and I have not changed my mind.

It seems to me that there has been a very great demand on the part of the people of the country that the Congress stay in session during this so-called war emergency. My colleague to my left [Mr. SMITH] says, "Oh, hell!" [Laughter.] There are a good many people in this country, however, who I am sure would disagree with the Senator from South Carolina; and I candidly think the people of the country would have a great deal more faith in this Board, and feel better about the matter, if there were two men from the Senate and two men from the House of Representatives serving on the Board. For the life of me, I cannot conceive why any member of the Board should object to it. I would not be on the Board, but undoubtedly the Senator from Nevada [Mr. PITTMAN] would be a member of the Board. Probably there would be two members from the Foreign Relations Committee on the Board, and two members of the House, probably from the Foreign Affairs Committee. I think many Members of the Senate would have very much more faith and confidence in the action of the Board if the distinguished Senator from Nevada and probably the distinguished chairman of the House Committee on Foreign Affairs were to serve on the Board.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. BARKLEY. There are only two functions of the Board. One is to report to Congress. The other is to advise the President with respect to categories of arms, ammunition, and implements of war.

I hold in my hand the three reports of the Munitions Board to Congress, made up of tabulations showing the value of exports of arms to all the countries in the world. That is all the report is. Anybody who can go over the records with a typewriter can make up such a report.

With respect to the other function of the Board, as to advising the President regarding the categories of arms, ammunition, and implements of war, that is so well decided and

determined by treaties and practice and tradition and custom, not only in our State Department but in all the nations of the world, that there is really very little flexibility about it; so there really is not any discretion that Members of Congress ought to be required to exercise as members of the Board.

No Senator or Representative would want to sit down there in the State Department and help get up this 100-page or 150-page report—made up of a mass of figures. It is utterly unlikely that as a result of Members of Congress sitting in on the Board there would be any change in the technical category of arms, ammunition, and implements of war, and those are the only two functions of the Board.

The law is being administered by the Secretary of State. Even if there were not any board, the Secretary of State would be charged with the administration of the law. But when we consider the functions of the Board, only two in number—one to make a report to us and the other to say whether the category of implements of war has been correctly set out—it seems to me a futile gesture to put Members of Congress on the Board.

SEVERAL SENATORS. Vote! Vote!

Mr. WHEELER. Mr. President, let me say to the Senator from Kentucky that I do not consider this matter as important as some people have thought it was; but there has been so much talk about a crisis, and there have been so many proclamations issued, that the people of the United States have come to the conclusion there is a serious crisis in this country, and that we might get into the war. I do not believe there is any crisis, and I do not think the talk about there being a crisis in the United States should be permitted to go out to the general public. I do not believe the propaganda that is going forth from Washington and from the city of New York with reference to the possibility of our getting into the war should be permitted.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. THOMAS of Oklahoma. In the event that the pending amendment should be agreed to, the Senator has referred to the possibility of the chairman of the Committee on Foreign Relations being named a member of the Board. My question is, Does not the Senator think that the chairman of this committee, the senior Senator from Nevada [Mr. PITTMAN], could exercise more influence with the President in his capacity as chairman of the Committee on Foreign Relations than if he were submerged in the membership on this Board?

Mr. WHEELER. Knowing the chairman of the Committee on Foreign Relations of this body as I do, and recognizing his great ability, I think he would exercise the greatest amount of influence with the President of the United States, no matter whether he were on the Board or off the Board. I cannot conceive of it being otherwise.

SEVERAL SENATORS. Vote! Vote!

The VICE PRESIDENT. The question is—

Mr. WHEELER. The question is whether I am to be allowed to conclude. [Laughter.]

I have not anything further to say, except to repeat that I did not change my mind; I was not present when the amendment was voted on; I think it is a good gesture; I think what it proposes would be a good thing to do, and I cannot conceive of the administration objecting to it.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Montana [Mr. WHEELER] that the vote by which the amendment offered by the senior Senator from Missouri [Mr. CLARK] was rejected be reconsidered. On that question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. SHIPSTEAD (when his name was called). Making the same announcement as before, I vote "yea."

The roll call was concluded.

Mr. MINTON. The senior Senator from Washington [Mr. BONE] and the senior Senator from Virginia [Mr. GLASS] are absent on account of illness.

The senior Senator from Arizona [Mr. ASHURST] is detained by illness in his family.

The result was announced—yeas 43, nays 50, as follows:

YEAS—43

Adams	Danaher	Johnson, Calif.	Shipstead
Barbour	Davis	Johnson, Colo.	Taft
Borah	Donahay	La Follette	Thomas, Utah
Bridges	Downey	Lodge	Tobey
Bulow	Frazier	Lundeen	Townsend
Byrd	Gerry	McCarran	Tydings
Capper	Gillette	McNary	Vandenberg
Chandler	Gurney	Nye	Walsh
Chavez	Hatch	Overton	Wheeler
Clark, Idaho	Holman	Reed	Wiley
Clark, Mo.	Holt	Reynolds	

NAYS—50

Andrews	Gibson	Maloney	Schwellenbach
Austin	Green	Mead	Sheppard
Bailey	Guffey	Miller	Slattery
Bankhead	Hale	Minton	Smathers
Barkley	Harrison	Murray	Smith
Bilbo	Hayden	Neely	Stewart
Brown	Herring	Norris	Thomas, Okla.
Burke	Hill	O'Mahoney	Truman
Byrnes	Hughes	Pepper	Van Nuys
Caraway	King	Pittman	Wagner
Connally	Lee	Radcliffe	White
Ellender	Lucas	Russell	
George	McKellar	Schwartz	

NOT VOTING—3

Ashurst	Bone	Glass
---------	------	-------

So Mr. WHEELER's motion to reconsider was rejected.

Mr. THOMAS of Utah. Mr. President, is the amendment which I offered last night in order now?

The VICE PRESIDENT. It is in order. The clerk will state the amendment.

The LEGISLATIVE CLERK. It is proposed to insert the following new subsection between lines 17 and 18 on page 25:

(c) Whenever the President shall have issued a proclamation under section 1 (a) he may, while such proclamation is in effect, require the owner, master, or person in command of any vessel, foreign or domestic, before departing from the United States, to give a bond to the United States, with sufficient sureties, in such amount as he shall deem proper, conditioned that no alien seaman who arrived on such vessel shall remain in the United States for a longer period than that permitted under the regulations, as amended from time to time, issued pursuant to section 33 of the Immigration Act of February 5, 1917 (U. S. C., title 8, sec. 168). Notwithstanding the provisions of said section, he may issue regulations with respect to the landing of such seamen as he deems necessary to insure their departure either on such vessel or another vessel at the expense of such owner, master, or person in command.

Mr. THOMAS of Utah. Mr. President, for the information of the Senate, since this amendment has not been printed, I may state that it is to be found on page 913 of the RECORD.

As I stated last night, this amendment was sent up yesterday by the Department of Labor. In a conference with officials of that Department I explained to them that I was indeed loath to offer an amendment of this kind, especially as it had to do with a subject which we had not considered in committee; that had it been offered sooner I would have been happy to support it. Then the seriousness of the situation was explained to me, and I am sure that all Senators, especially those who come from port cities, will be glad to have information concerning the amendment, and the need for it. Because of the lateness I shall not argue for the amendment, but I shall explain the reason why it is presented, and I trust that the Senate will give attention to what I have to say.

Mr. President, since the declaration of war, and since foreign ships, both neutral and belligerent—mostly neutral—have come into our ports, 1,653 members of the foreign crews have deserted and come ashore under the right which is theirs under present regulations. The present law cannot and does not hold the shipping companies responsible for the return of these seamen. It is a seaman's right under the law to quit his ship when he comes into a foreign port, and no one would want to change that right. At the same time, there is such a wide loophole now open that the Government has in reality a real problem on its hands in regard to these seamen.

Our immigration laws, especially our quota system, can be completely overcome by what is happening. I will cite an exact situation. One country which has a quota of about 250 a year has already had seamen desert greatly in excess of that number. While it is true that under the law theoretically these seamen can stay here only 60 days, we know that under the present circumstances great opportunity exists for enlisting seamen who are sure of a safe voyage to America, with undoubtedly an idea in their minds to desert, and then become lost among the great mass of American people and stay here indefinitely.

The proposed amendment merely provides that whenever the Neutrality Act is invoked by the President of the United States he may require of all ships that come into our ports—of their masters, their owners, or their captain—a bond that sailors who have left the ship shall be returned.

Mr. President, that is permissive on the part of the President. The provision would not be invoked unless the threatened injustice and wrong to our immigration laws is continued. It would have the simple effect of making it necessary for all shipmasters in recruiting their crews in foreign countries to make it known to them that the shipowners are under obligation to see that the crews are returned, and it would tend to cause those who are a bit crafty in overcoming our immigration regulations to cease openly working in such a way that under the present arrangements great numbers of foreign sailors can come into the country and stay.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. DAVIS. As I understand, when conditions are normal we clear at all the ports of the United States, in round numbers, 1,000,000 seamen. That is, I mean to say a ship will make half a dozen trips back and forth, but counting all the registrations of seamen who come and go, I believe the total number is about 1,000,000.

I am in hearty accord with the Senator's amendment and shall be glad to vote for it.

Mr. REYNOLDS. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. REYNOLDS. I simply want to take advantage of the opportunity to make a very brief observation. I wish to state to the Senator that I shall be glad to vote for his amendment. I think it should be adopted. The situation is just as the Senator has said he has been advised by the Department of Labor. Innumerable men, those who are seamen and those who are employed in various capacities aboard ships coming to this country, have been in the habit of skipping the ships, and, as the Senator stated, lose themselves among the 130,000,000 people of the United States. For that reason, I think the adoption of the amendment is extremely important, particularly in view of the fact that the Attorney General recently stated that this country was honeycombed with spies, which is substantiated by evidence to the effect that Mr. Hoover, of the Department of Justice, had found it necessary to employ several hundred additional young men who are now being trained for work in the Bureau of Investigation.

Unfortunately, in this country we do not have a registration or a fingerprinting law. We are the only country upon the face of the earth which does not follow up the activities of aliens who come within our borders, and now, of all times, certainly we should bring about the embodiment of the proposed amendment to the neutrality measure, which in a sense, as a matter of fact, interests itself in national defense.

Mr. President, if today in America we had a law providing for a mandatory registration and fingerprinting of aliens, which is now being demanded by the American people in this emergency, we would not be experiencing the trouble we are by way of spies and by way of classes of people who have been designated as saboteurs.

I mentioned in the Senate the other day a matter which should be of interest to every Senator; that is that one company, frightened by sabotage, in order to protect its property, within the past 30 days has employed at its own expense an additional 2,000 watchmen and patrolmen.

In the instance mentioned by the Senator in the discussion of his proposed amendment, hundreds of spies and saboteurs can easily enter this country by way of skipping from ship at the various ports in this country, and will no doubt do so unless the Senator's amendment is adopted. It will provide a safeguard to the United States.

Mr. DAVIS. Mr. President, will the Senator yield for a question?

Mr. THOMAS of Utah. I yield.

Mr. DAVIS. Under the seamen's law, as pointed out by the Senator from Utah, a seaman has the right to come into this country and remain here 60 days before returning. There should be some provision of law which would compel seamen to register, or someone ought to be responsible for their return if they should remain here beyond the period of 60 days.

Mr. THOMAS of Utah. Mr. President, I think we would not have had great trouble with respect to the present law covering foreign seamen if it had not been for the outbreak of the war. Of course, it is the war which has brought on the immediate trouble. It has opened up all the loopholes which the Senator from North Carolina has mentioned; therefore this amendment covers the situation only during the period of the war.

Mr. DAVIS. Mr. President, will the Senator again yield?

Mr. THOMAS of Utah. I yield.

Mr. DAVIS. What the Senator mentioned has been going on all the time since the passage of the law. At one time my attention was called by the American Federation of Labor to the number of seamen who are working in shipyards on the coast. When I made application for the purpose of going into the yards to ascertain if the immigrants were here illegally, I found shipyards had to close down because of the number of men who were found to be here illegally. The workers in question had come in under the seamen's rights; they had come over as seamen, had come ashore under their rights as seamen, and remained here. That had been going on for all the years since the passage of that law.

Mr. KING. Mr. President, will my colleague yield?

Mr. THOMAS of Utah. I yield to my colleague.

Mr. KING. I may suggest to the Senator from Pennsylvania that I think this is an inappropriate time to formulate a new immigration law. I am a member of the Immigration Committee, and have been a member of it for years. I know that our immigration laws need some rectification. I think the amendment proposed by the Senator should be adopted, but I do not think we ought to rewrite the immigration law at the present time.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. DAVIS. Mr. President, in answer to the Senator from Utah [Mr. KING], I will say that I do not ask for any such legislation at this time. I merely called attention to existing conditions, so the illustration I gave might have some favorable effect upon the action of the Senate upon the amendment proposed by the junior Senator from Utah.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. McCARRAN. I should like to propound a question to the Senator from Utah and also to the Senator from North Carolina, who has in the past year or more devoted a great deal of time to the study of the subject of immigration. It is reported—at least I have heard it from sources which I think are fairly reliable—that shiploads of refugees are coming into this country, remaining in the country, mingling with the citizens, and that there is a general letting down of the bars of our immigration laws. I should like to know whether either the Senator from North Carolina or the able Senator from Utah knows of that situation; and if so, by what authority such a condition exists.

Mr. REYNOLDS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina for the purpose of answering that question?

Mr. THOMAS of Utah. Not only do I gladly yield to the Senator, but I shall be very happy if he can answer the question propounded by the junior Senator from Nevada.

Mr. REYNOLDS. In answer to that question I wish to be perfectly frank and fair in stating that, of course, I have no personal knowledge of the number of aliens annually entering our borders illegally.

My information is based upon rumors and upon hundreds of letters I have received within the course of the past 6 months from all the cities of America where our great ports are located. The authors of these communications allege that many hundreds of persons are illegally entering those ports. Some of the communications state that the writers have been unable to secure from the refugees themselves information as to whether or not they came here legally. On the other hand, as we all know, many come here legally, but remain illegally. No one knows how many jump ship annually, how many come across the Canadian border—which is not at all difficult—how many come into the United States across the Rio Grande, or how many come from Cuba and various other portions of the Caribbean. That discussion leads to the question of the number of aliens in this country who have not made application for American citizenship.

Mr. President, I have contended on the floor of the Senate that the number is between 5,000,000 and 7,000,000. I cannot prove that contention. Others have contended that there are perhaps only three or four million noncitizens in America. I cannot prove that they are in error about that, because we have never had a law making mandatory the registration or fingerprinting of aliens in this country.

The Immigration Committee, of which my distinguished colleague the senior Senator from Utah [Mr. KING] is a member, reported to this body a bill which I have had before the Senate for several years, asking for the registration of aliens. That bill is now on the Calendar, No. 817. We shall never know how many there are in this country, from where they came, when they came, how they came, how long they have been here, and what they are doing, until we pass a law of that sort. So I say directly, in partial answer to the Senator's question, that nobody knows how many there are here, or how they got into this country.

Mr. McCARRAN. Mr. President, just one further question along the same line.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nevada?

Mr. THOMAS of Utah. I yield.

Mr. McCARRAN. If the rumor be true—and I believe it is—that shiploads of refugees of certain classes are coming in from European countries in excess of the quotas, does not that in part account for the condition of unemployment we have today? We hear it said—and I think the statement is made by those having considerable knowledge—that refugees are furnished with employment immediately on arriving here, and that American citizens are displaced.

The PRESIDING OFFICER. The time of the Senator from Utah on the amendment has expired.

Mr. THOMAS of Utah. Mr. President, I will take time on the joint resolution.

The PRESIDING OFFICER. The Senator from Utah is recognized on the joint resolution.

Mr. THOMAS of Utah. I yield to the Senator from Nevada.

Mr. McCARRAN. Mr. President, I wonder how far the able Senator from North Carolina [Mr. REYNOLDS], with the studiousness and zeal he has shown in connection with this matter, has gone in determining that question. I am wondering whether or not our Labor Department can come to Congress with good grace and ask for anything if that statement be true.

Mr. REYNOLDS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. THOMAS of Utah. I yield for a moment.

Mr. REYNOLDS. Mr. President, the Senator from Nevada a moment ago mentioned the thousands of refugees coming into this country. I have some personal knowledge in regard to that matter. I was in Europe about 5 weeks ago. I came back on the steamship *Washington*, of the United States Lines. On the ship on which I made the trip across the Atlantic there were about 175 aliens, noncitizens, refugees from foreign countries, who were attempting to escape the war zone and come to the United States.

When I was in Paris I waited for 5 days for the purpose of obtaining transportation for myself upon the ship, for the reason that I knew that this extraordinary session of Congress would be called. Thousands of Americans were then attempting to obtain transportation upon that ship. I succeeded in obtaining transportation because I explained to the officials that I was a Member of Congress, and that it would be necessary for me to be in Washington on the opening day; otherwise, I would be severely criticized.

I went from Paris to Havre, and there waited 5 days for the arrival of the ship. There I saw literally hundreds of fathers and mothers, with their children, who were actually crying for transportation to America aboard an American ship. I regret to state to this body that hundreds upon hundreds of American citizens who should have been provided for on American ships were left in Europe in the war zone. Instead, the berths upon American ships were occupied by aliens, noncitizens, coming from foreign countries to the United States. I have made specific mention of only one ship at this time, because I happened to be on that ship. I saw the foreign passports. As a result of a statement made by me, the Secretary of State said there were only 173 aliens aboard that ship. I say that was 173 too many when American citizens were waiting to come back to the United States.

Mr. THOMAS of Utah. Mr. President, the time is passing rapidly, and we are under a limitation of debate. I am sure the chairman of the Foreign Relations Committee has no objection to this amendment. Therefore, I suggest that we vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah [Mr. THOMAS] to the committee amendment in the nature of a substitute.

Mr. WHITE. Mr. President, because what I purpose to say is intended primarily for the ears of the people of my own State, and because I desire my statement to be consecutive, I very respectfully suggest that I choose not to be interrupted during the progress of these brief remarks.

In his message to the Congress on September 21, 1939, the President said:

Beginning with the foundation of our constitutional government in the year 1789 the American policy in respect to belligerent nations, with one notable exception, has been based on international law.

Again, the President said:

I seek a greater consistency through the repeal of the embargo provisions and a return to international law. I seek reenactment of the historic and traditional American policy which, except for the disastrous interlude of the Embargo and Nonintercourse Acts, has served us well for nearly a century and a half.

Further, the President said:

Repeal of the embargo and a return to international law are the crux of this issue.

These quotations and the President's message as a whole make crystal clear that the President was urging the repeal of the existing embargo because he regarded it as an essential step toward our return to and our reliance on the principles of international law, which he insisted had, with one notable exception, served us well through a century and a half.

As one who voted against the Embargo Act of 1937, I could justify on the ground of consistency a vote now for its repeal. I could justify such a vote because of my desire that the United States, through its professions and its efforts, shall make a contribution to the principles of international law.

I could find satisfaction in our country giving of its influence to the amplification, the codification, and the vitalizing of these principles; for unless there is an accepted code of international conduct and international morality to guide and control nations in their world relationships I can see no hope for an ordered and a peaceful world.

But, Mr. President, the joint resolution before us does not respond to the President's repeated and insistent request for a return to the salutary principles of international law. It does not return us to any "historic and traditional American policy"; it is not based upon international law; it does no honor to international law. On the contrary, it proposes to abandon our rights as a neutral under international law and to change our relationships as a neutral with the rest of the world as these relationships are defined in international law. It is as complete a departure from the principles of international law as ingenious and industrious minds could write.

Mr. President, I can understand how any Senator might support an effective embargo against the shipment from this country of arms, ammunition, and implements of war, and other articles of substantial usefulness in military operations because of his unwillingness that this country should make such contribution to war and to the misery of mankind. I can appreciate also how a Senator could oppose all embargoes and insist on that freedom of trade contemplated by international law.

Mr. President, the pending resolution is loyal to neither of these conceptions. It prohibits, with limited exceptions, the American ship from transporting any materials to any belligerent. It does permit the shipment of lethal weapons and all other articles and materials to belligerents in foreign ships or to neutrals in any flag ship for transshipment to belligerents, but it restricts this right by the requirement that title shall have first passed and that payment shall first have been made. The insistence that payment shall be made before shipment is a restriction upon freedom of export which partakes of the nature of an embargo and which will become, if the present European war long continues, an effective embargo. The necessity for passing of title is at once an effective embargo against important exports of the United States.

Nearly 25 percent of all American exports to the United Kingdom now moves in American ships. This resolution denies this service to the United Kingdom.

More than 34 percent of our exports to France now moves in American ships, and this resolution now denies this service to France.

The resolution evidences no concern for the men, women, and children who will be killed nor for the destruction of property nor for the abasement of mankind which will come by the deathful implements it permits us to ship, but it is solicitous that we shall be paid for our contributions to the evils visited upon humankind. It labors to make certain that no harm shall come to us through our materialism.

This resolution, in its substance, repeals no embargo. It renders lip service only to this purpose. It substitutes one embargo for another, and no one can now tell, with certainty, the full effects of this substitution.

Neither, Mr. President, does the resolution make contribution to the neutrality of the United States. On the contrary, in my view, it breaches neutrality in letter and in spirit. If enacted it will radically change our existing Neutrality Act. That act deals with the rights and the acts of our own nationals and it fixes our relationships with other nations of the world. We now propose, war having come, to change these rights of our own people and these world relationships. In 1937 we prohibited the shipment of arms, ammunition, and implements of war to a belligerent.

We now are asked to sanction such shipments, if we first get the cash. In 1937 we prohibited such shipments to a neutral for transshipment to a belligerent. We now seek to remove from our law this denial of the right of shipment to a neutral for transshipment. In 1937 the American ship sailed the seas with the rights and dignity of a neutral vessel except as we limited these rights in particular respects. We now propose to abandon those rights secured by

international law and to accord the American ship only those narrowly limited rights found in the pending resolution. In 1937 our neutrality legislation was general, applying equally in its terms to all nations of the world. We now are considering a resolution which makes available the services of the American ship to one belligerent and denies such services to another belligerent. This is partiality in legislative enactment. It is a preference accorded one belligerent. It is governmental discrimination against another belligerent. It constitutes a change from a policy of neutrality to one of partiality.

Mr. President, I could have respect for such reversal of attitude if we openly and courageously announced to the world that we were no longer neutral but were participants in behalf of one of the combatants. But until we are ready for such honesty of declaration, I would have us neutral in our legislation and in our governmental acts. This resolution rejects every principle of neutrality; it flouts that international law to which the President appeals to us to return; it puts us into the ghastly trade in arms, ammunition, and implements of war, we first being assured that we get our money from this bloody traffic.

Mr. President, in the resolution there is further offense to me. In section 2 (a) is found our great renunciation. By that section in large measure we cast aside our heritage of the seas. In subsequent provisions of the resolution we undertake, by exceptions, or reservations in our terms of surrender, to preserve, in limited degree, some of the rights which belong to us as a neutral under international law; but these efforts do not hide the shameful fact that we are yielding our rights as no other nation in the world is doing, and that our timid efforts to escape the consequences of our surrender are of negligible importance to the American merchant marine as a whole.

Mr. President, it is impossible for me to bring into harmony the figures as to our shipping industry and the many views held as to the consequences of this proposed legislation.

I think, however, we may accept as reasonably accurate the statement that we had as of September 1, last, exclusive of tankers and vessels upon the Great Lakes, 213 American ships of 2,000 gross tons and over, operating to belligerent ports; that these vessels aggregated 1,438,000 tons; and that their cost of construction or acquisition was approximately \$470,000,000. In the original draft of the resolution this substantial part of our marine would have been swept from the seas. The amendments proposed by the majority members of the committee and now adopted lessen somewhat the force of this blow. As now framed, the resolution will permit the operation of a few lines in remote trades, but it is still devastating in its consequences. It is estimated that under the joint resolution, even in its amended form, nearly 40 percent of our ships and our tonnage would be driven from the oceans of the world. It means tragic losses to those who have invested in these affected shipping services. It threatens disaster to the economic life of many of our ports and those sections of our country tributary to them. It disrupts and wrecks the efforts of our citizens and our Government to restore the American ship to its rightful place upon the seas.

Mr. President, I venture the assertion that none of us has adequate understanding of the problems involved in the requirement of section 2, subparagraph (c), prohibiting shipments to any belligerent state until all right, title, and interest in the articles or materials shall have been transferred to some foreign government, to some creature thereof, or to some national of such foreign government. I believe this resolution, if enacted, would stop all shipments on consignment; would prevent American companies which have agencies abroad, either branches or American subsidiaries, from supplying their products to such agencies or subsidiaries, for they could not give the required declaration that no American had an interest in the goods; and that it would prevent the shipment of all that vast body of patented and copyrighted articles to which, under long-established practice, title does not pass, but which are leased, or the use of which is permitted without the passing of title.

LXXXV—62

There are great industries in America whose foreign markets will be completely lost by this provision as it stands. In my view, it is an unnecessary assault upon our business life.

Mr. President, I shall vote on this resolution with an easier mind than I at first had because of my growing belief that the importance of the legislation, except as it adversely affects our commerce and departs from right principles, has been greatly overemphasized. I do not believe its enactment or the failure to enact it will in substantial degree contribute to the cause of peace or to war. I am in agreement with the President that we are not going to war. I should feel greater security if this legislation were not urged upon us. I believe there is greater regard for the principles of international law in the existing statute than in the pending proposal; that there is in present law greater respect for American rights and American interests; that the law as now written would prove in its operation more helpful to the cause of Britain and France, to whom my sympathies go, than will the resolution we are debating; and, finally, I am of the firm belief that there is less danger to the peace of our country in the retention of the present statute than in the adoption of the resolution before the Senate and in its operation and enforcement. War has been in progress for several weeks with the existing law in force, and no incident has occurred which threatens our peace. Why leave this seemingly safe ground to experiment with our security in dubious fields? It is safer to maintain our present position than to venture forth into the unknown.

Mr. President, for all these considerations, and for the reasons urged, when I spoke in this presence a few days since, I shall be compelled to vote against the pending resolution.

THE PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah [Mr. THOMAS] to the committee amendment in the nature of a substitute.

The amendment to the amendment was agreed to.

Mr. GEORGE. Mr. President, I have an amendment which I wish to offer to section 2 (c) of the joint resolution. The amendment has been before a large number of members of the Foreign Relations Committee. The chairman of the committee has no objection to it, nor have the other members of the committee.

I desire to call the attention of the Senator from Iowa [Mr. GILLETTE] to the fact that I am offering this amendment, and to say in that connection that the Senator from Iowa has an amendment relating to the same subsection which also is not objected to by the members of the Foreign Relations Committee. Both amendments are intended to facilitate the mere transfer of title when goods and merchandise are shipped out of the United States and are in the interest of our commerce.

I send to the desk the amendment and ask to have it stated.

THE PRESIDING OFFICER. The amendment offered by the Senator from Georgia will be stated.

THE CHIEF CLERK. After the period, following the word "national", in line 16, page 16, it is proposed to insert:

Issuance of a bill of lading under which title to the goods shipped passes to the purchaser unconditionally upon delivery of the goods to carrier, shall constitute a transfer of all right, title, and interest therein within the meaning of this subsection.

THE PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Georgia [Mr. GEORGE] to the committee amendment in the nature of a substitute.

Mr. McNARY. Mr. President, I ask the distinguished Senator from Georgia whether this amendment has been submitted to the committee having jurisdiction of the matter.

Mr. GEORGE. This amendment has been so submitted; yes.

Mr. McNARY. Has the committee reported it as a committee amendment?

Mr. GEORGE. The committee has not reported it as a committee amendment, but I am authorized to state for

the majority of the committee that they have no objection to it.

Mr. McNARY. Was the amendment submitted to the whole committee or to the Democratic membership of the committee?

Mr. GEORGE. To the Democratic membership of the committee; and I also talked with some other members of the committee.

Mr. McNARY. Just what does the amendment propose to do?

Mr. GEORGE. Section 2 (c) provides simply that—

Whenever the President shall have issued a proclamation under the authority of section 1 (a)—

Designating a state that is at war—

it shall thereafter be unlawful to export or transport, or attempt to export or transport, or cause to be exported or transported, from the United States to any state named in such proclamation, any articles or materials until all right, title, and interest therein shall have been transferred to some foreign government, agency, institution, association, partnership, corporation, or national.

The amendment merely provides that whenever the shipper has delivered the merchandise to the ship and secured a straight bill of lading which passes title unconditionally to the purchaser upon delivery to the ship and issuance of the bill of lading, it shall be a sufficient evidence of the passage of title, right, and interest within the meaning of this subsection.

Mr. McNARY. Mr. President, I have before me a copy of a letter written to the chairman of the Foreign Relations Committee, the Senator from Nevada [Mr. PITTMAN], by William H. Montgomery, manager of the international trade department of the San Francisco Chamber of Commerce. I desire to read an excerpt from the letter, and ascertain if this amendment meets the situation described in it.

The letter is dated October 20 of the present year:

I wish to bring to the attention of the Foreign Relations Committee the conflict in section 2 (c) of the neutrality legislation. Compliance with this section would require that the American exporter declare that title has passed in order to secure his bill of lading from the steamship company carrying the merchandise. Under normal trade procedure, title does not pass until the exporter presents the bill of lading to the negotiating bank for encashment of the letter of credit established there by the foreign buyer. Inasmuch as it is impossible for the exporter to collect his money from the bank, a prerequisite to transfer of title, until he gets the bill of lading, which in turn requires a declaration that title has already passed, the conflict is obvious.

Does the Senator understand that?

Mr. GEORGE. Yes; I think I understand it. The amendment is designed to meet exactly that situation.

Mr. McNARY. I thought so.

Mr. GEORGE. In other words, a cash sale of articles or materials in international trade or foreign commerce involves certain mechanics. The purpose of this amendment is to enable the shipper, when he delivers the article or material to the ship and receives the bill of lading, which passes the title unconditionally, then to be able to say, "I have complied with the provisions of this subsection," without any further action being taken. He then has, of course, physical possession of his bill of lading, which he may take to the bank or send through the ordinary channels to the bank for collection. That is precisely what Mr. Montgomery is pointing out in his letter.

Mr. McNARY. I am very grateful to the able Senator from Georgia. I knew that the amendment, similar in nature, proposed by the Senator from Iowa [Mr. GILLETTE], met the situation described by this gentleman in San Francisco; but from the very clear statement made by the Senator from Georgia, I think his amendment also precisely meets the situation.

Mr. GEORGE. I may say to the Senator that in conference with the Senator from Iowa we have decided that both amendments are proper and are needful in order to facilitate the movement of our commerce.

Mr. President, may we have a vote upon the amendment?

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Georgia [Mr.

GEORGE] to the committee amendment in the nature of a substitute.

The amendment to the amendment was agreed to.

Mr. GILLETTE. Mr. President, I offer and ask to have stated from the desk an amendment pertaining to the same matter which has just been discussed by the Senator from Georgia.

The PRESIDING OFFICER. The amendment offered by the Senator from Iowa to the committee amendment will be stated.

The CHIEF CLERK. On page 16, line 19, beginning with the word "there", it is proposed to strike out through the word "to", in line 20 and to insert in lieu thereof the following: "he has complied with the requirements of this subsection with respect to transfer of right, title, and interest in such articles or materials, and that he will."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa to the committee amendment in the nature of a substitute.

Mr. GILLETTE. Mr. President, I will make a brief statement as to what the amendment is intended to do. I think it meets the point just raised by the Senator from Oregon.

A number of American industries market through subsidiaries that are foreign corporations. In many cases the stock is owned in whole or in part by American citizens. While it is easy to divest themselves of title to a foreign corporation or company, under the circumstances there are many of them who feel that they cannot comply with the requirement to file an oath that no American citizen has further interest in the shipment.

This amendment simply changes the provision now in the proposal from a requirement to file an oath that no American citizen has further interest in the shipment to a requirement to make a statement that the shippers have complied with the provisions of this subsection as to divestment of title.

The amendment has been submitted to the chairman of the Foreign Relations Committee [Mr. PITTMAN], the Senator from Georgia [Mr. GEORGE], and others; and I think there is no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa to the committee amendment in the nature of a substitute.

The amendment to the amendment was agreed to.

Mr. GILLETTE. Mr. President, I offer another amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 21, line 14, after the comma, it is proposed to insert the following: "or to purchase, sell, or exchange bonds, securities, or other obligations of any such government, political subdivision, or person, issued before the date of such proclamation where the legal or equitable title or beneficial interest in any such obligations was vested on such proclamation date in a person other than a citizen of the United States."

Mr. GILLETTE. Mr. President, this amendment does not meet the approval of some of the members of the committee. In connection with its discussion I wish to make a very brief general statement with reference to the joint resolution; and perhaps by that time some of those opposed to the amendment will have returned to the Chamber.

Mr. President, I happen to be one of the very few Members of the Senate who so far as I know, have made no public commitment as to the vote to be given on this measure. My attention is called to the fact that there is one more, a Senator sitting near me; but I stated that I was one of very few. I wish to make a statement at this time.

Mr. President, we are engaged in doing what I believe to be an extremely difficult if not an impossible thing. We are trying to enact a measure so comprehensive and so elastic as to meet conditions which we cannot anticipate, which we cannot possibly foresee. We are trying to erect an edifice of national security against war involvement with a foundation resting on the shifting sands of the rapid changes in

international, political, social, economic, financial, and commercial conditions. I believe that it is impossible so to do. I do not believe we can put on the statute books a unilateral proposal of this kind which can be sufficiently comprehensive and sufficiently elastic to secure us from war involvement as we desire to be secured.

Mr. President, I shall take this occasion to say that from the time we commenced attempting to do this thing I have been convinced that there are only two ways in which we could approximate accomplishing it. One of them is by drawing so closely within our shell of isolation as to cut off and curtail all trade with neutrals or with belligerents, or with neutrals for transshipment to belligerents. That is a price the American people will not pay for peace or neutrality, and the evidence of the protests during the past few weeks, and the evidence in the very able address delivered a few minutes ago by the Senator from Maine against that type of restriction show that the American people will never consent to that sort of restriction, which might be reasonably effective.

The other alternative, in my humble opinion, is to repeal this heterogeneous conglomeration of thought and afterthought, and say to our people, "Go back and trade under international law, with this limitation, that there is a war going on and a danger area over there, made effective by proclamation, and if you go into that area with American property, American ships, or American nationals, you are going at your own risk, and you cannot expect the American Nation, with its Army and Navy, to come to your protection." That, Mr. President, is embodied in a bill which I had the honor to introduce, but which has not been before the Senate for consideration. However, I wish to call attention to it at this time.

With reference to the pending measure, as additional proof of the difficulty, within 4 years from the time we first attempted to put this type of legislation on the statute books we are engaged in a fourth such attempt, and the pending measure represents the work of almost 10 months of the best thought and the best minds in the State Department and in the Senate of the United States.

Yesterday a proposal was made by the Senator from California to add as an amendment to the proposed act an embargo more comprehensive than the one now contained in the existing law. I voted for the amendment yesterday, and I will vote for any proposal to retain our present embargo on arms and munitions or make it more secure and more comprehensive. I would do that because I believe it is fallacious to say that we cannot have additional restrictions without repealing the embargo provision. I cannot subscribe to that. Nor do I think we cannot improve on the law if we repeal the present embargo. I am going to vote for any proposal to restore or retain the embargo; but, whether that is defeated or not, I am going to vote for the pending measure, because I believe that it is not a step backward. I do not share the fears of some of my good colleagues that it is a step toward war. I think it is wholly unnecessary, as I have repeatedly said, to repeal the embargo, but I consider this measure in connection with the additional restrictions it imposes on the requirement for divestment of title; the absolute prohibition which is now contained in the joint resolution against the extending of credit to foreign nations or their agents; the absolute prohibition against extending to private individuals of a belligerent nation credit for the purchase of arms, ammunition, and implements of war; the prohibition against transportation by American ships. All these provisions I consider distinct improvements, and they are not in the present law.

Because of the fact, then, not that I consider it necessary to repeal the present embargo, but because of the fact that I think this is a step forward, a weak, faltering, unsteady step forward, but, nevertheless, a step forward in the direction of national security, I expect to support the measure.

Mr. BROWN. Mr. President, will the Senator from Iowa yield?

Mr. GILLETTE. I yield.

Mr. BROWN. I should like to have the opinion of the Senator from Iowa who is a member of the Foreign Relations

Committee and of the Senator from Nevada, the chairman of the committee on an important question along the line of our present remarks. I have found, in discussing the matter of credits which might be granted by an American national to a citizen of a belligerent state, that there is much misunderstanding and much misapprehension as to what the pending measure contains. I find statements in the press which indicate that many believe that the provisions of the joint resolution prevent the granting of credit by an American to a citizen of a belligerent as to articles and materials other than those proclaimed by the President to be munitions of war.

To illustrate, let me read to the Senate two paragraphs picked at random from newspapers during the past few days:

ALL DEALINGS ON CASH BASIS

The two amendments dealing with financial transactions would put all dealings with belligerents on a strictly cash basis and would make it clear that these terms should apply to individual citizens and corporations of belligerent nations as well as to governments.

Another news item states—

That we voted to apply the no-credit provision of the bill to individual purchasers of American goods in foreign nations as well as to the foreign governments.

My understanding has been that the prohibition is not a prohibition against credit, but is a prohibition against the retaining of any title in the goods involved. I wish to ask the Senator from Iowa whether I am right or wrong, and I should like to have the Senator from Nevada, chairman of the Foreign Relations Committee, confirm him. Taking a concrete illustration, is there anything in the pending measure to prevent the Coca-Cola Corporation in Georgia, we will say, from shipping a bill of its goods to an English national, and granting credit to that national? Of course, I understand that there could be no lien, no title whatsoever retained in the goods, but I do understand that credit can be granted. Am I right or am I wrong in that?

Mr. GILLETTE. I shall be glad to yield to the chairman of the committee to answer.

Mr. PITTMAN. Unless Coca-Cola were placed upon the list of arms, ammunition, and implements of war by a proclamation by the President, there would be no limitation upon the credit the Coca-Cola concern in this country might extend to any citizen of a belligerent country, provided the title to the Coca-Cola were conveyed before it was transported.

Mr. BROWN. That is my understanding. We have the protection, first, that the goods may not be carried in an American ship; we have, second, the protection that the title must pass, that it cannot be retained in the American seller; and we have the further protection that any loss of the cargo may not be made the basis of a claim by the United States citizen. I am quite surprised at the widespread misapprehension which appears, both in the press and in the minds of some Members of the Senate, upon that proposition, and I think it should be cleared. I am happy to have the statement of the chairman of the committee.

Mr. PITTMAN. Mr. President, may I interrupt the Senator from Iowa further?

Mr. GILLETTE. Certainly.

Mr. PITTMAN. I have just read again the amendment which the Senator from Iowa has offered, an amendment to be inserted on page 21, line 14, after the comma, and I wish to see if I understand it correctly. The proposed insertion reads:

Or to purchase, sell, or exchange bonds, securities, or other obligations of any such Government, political subdivision, or person, issued before the date of such proclamation where the legal or equitable title or beneficial interest in any such obligations was vested on such proclamation date in a person other than a citizen of the United States.

I do not think that is in conflict with the clause which provides for the readjustment of existing debts.

Mr. GILLETTE. I am confident it is not.

Mr. PITTMAN. So far as I am concerned, I am in favor of the amendment.

Mr. GILLETTE. I thank the Senator.

Mr. PITTMAN. I have also suggested to one or two members of the group which prepared the pending legislation that, so far as I see, there is no objection to it.

Mr. GILLETTE. I thank the distinguished chairman of the committee.

Mr. PITTMAN. I have no objection because of the language at the end of the proposed amendment, which reads:

Was vested on such proclamation date in a person other than a citizen of the United States.

Mr. GILLETTE. I thank the Senator from Nevada. I may say to him that he was out of the Chamber when I presented the amendment, and I purposely discussed the joint resolution as a whole until his return, without bringing up the amendment.

Now, just one word with reference to the question raised.

Mr. THOMAS of Utah. Mr. President, I wonder whether the Senator will answer a question for me, which has arisen in my mind since hearing what the Senator from Nevada has just stated?

Mr. GILLETTE. I shall be very glad to yield to the Senator.

Mr. THOMAS of Utah. Would not the effect of the amendment be simply this: Assuming two persons, one a citizen of the United States and the other not a citizen of the United States, the amendment would make it impossible for the noncitizen of the United States to use his property but it would make it possible for the citizen of the United States to use the property. Would not that be its effect?

Mr. GILLETTE. Of course, the Senator is speaking of the citizens of a belligerent nation covered by this proposal.

Mr. THOMAS of Utah. The securities of a belligerent nation, but not necessarily those of the citizen of a belligerent nation.

Mr. GILLETTE. The Senator is referring to the ownership of the securities.

Mr. THOMAS of Utah. Yes.

Mr. GILLETTE. I think the Senator from Utah is correct.

Mr. THOMAS of Utah. Mr. President, I am wondering if the Senator is not emphasizing the matter of a citizen in contradistinction to a noncitizen in a question which has to do primarily with the ownership of property, and if, for instance, the Senator is not probably doing an outright injustice, so far as the ordinary practices of our law are concerned, to a person who is penalized in connection with property which he has—a person who lives in the United States legally but who is not a citizen. I think if we consider the consequences of an amendment of this kind we will be very careful, because I believe that all persons in the United States, regardless of their citizenship, who own property, have certain rights before the law in regard to that property, and as I read the language of the amendment it seems to me the emphasis is placed so much upon citizenship that actually it may unjustly deprive a person of property in cases in which I know the Senator does not wish to do so.

Mr. GILLETTE. Mr. President, I sincerely thank the Senator from Utah. The point he has raised is not only interesting but is important. This amendment, however, refers to the matter of dealing in securities of a belligerent during wartime. There is a prohibition in the measure as it is now before us against the flotation and exchange of securities issued after the date of the proclamation. To do otherwise would be in effect to confiscate the securities of owners. But we have no responsibility for providing a market for the holders of securities who live in some other country. We do not have to keep our markets open for securities in which they may have invested. The purpose of the amendment is to prevent a belligerent nation—having in mind the prohibition against the flotation of a new issue of securities—to call in an outstanding issue, substitute the new issue, and use the called-in securities for the purpose of establishing in this country a basis of credit. That provision is placed in the amendment in order to secure the American citizen from confiscation of his investment. How-

ever desirable it may be, I believe no responsibility exists to keep our markets open for the exchange and sale of investments which aliens have made.

Mr. President, just one word, in closing, with reference to the question raised by my distinguished colleague the Senator from Michigan [Mr. BROWN]. There has been, and still is, great misapprehension with reference to the cash-and-carry provisions of the measure. As it came from the committee, there was no limitation of credit to foreign nations, subdivision or agent thereof, excepting the right of the President to limit it to 90 days.

The PRESIDING OFFICER. The time of the Senator on the amendment has expired.

Mr. GILLETTE. And on the joint resolution?

The PRESIDING OFFICER. No; not on the joint resolution. The Senator has 20 minutes on the joint resolution.

Mr. GILLETTE. I will say about three words on the joint resolution.

The PRESIDING OFFICER. The Senator from Iowa is recognized on the joint resolution.

Mr. GILLETTE. In view of the fact that the amendment of the Senator from Michigan to the amendment presented by the chairman of the committee, the Senator from Nevada, has been adopted, the joint resolution will now provide for an absolute prohibition of credit on anything to belligerent governments, subdivisions, and agents thereof.

It provides unlimited credit to nationals or companies or corporations other than agents of a foreign country for everything except arms, ammunition, and implements of war, as to which no credit can be extended.

In closing, I wish to make one other statement by way of tribute to the chairman of the Committee on Foreign Relations.

Mr. KING. Mr. President, before the Senator does that, may I interrupt him?

Mr. GILLETTE. Yes.

Mr. KING. Does the Senator mean that the amendment he has offered, or the joint resolution itself, prohibits an American citizen engaged in a legitimate business from extending credit to any resident of a neutral country?

Mr. GILLETTE. No, indeed.

Mr. KING. I so understood the Senator.

Mr. GILLETTE. I am sorry if I did not make myself clear.

Mr. KING. Because I am opposed to that.

Mr. GILLETTE. If I again may refer to the matter to which I have just alluded: I believe no one has ever had a more difficult task assigned to him than has the chairman of the Committee on Foreign Relations. Here was a matter which has engaged our attention for months and months, and I am sorry to say I am afraid it will come back to Congress for further attention. The entire country has been tremendously interested in it. There has been an avalanche, a barrage, of opinion expressed through various agencies by the people of the country. Through all of this the chairman of the Committee on Foreign Relations has with unfailing courtesy and consideration given attention to Senators who, like myself, have not been in agreement with all his views. On the floor and in the committee he has been, without exception, extremely considerate, and I felt that I would not do justice to myself and my fellow members on the committee if I did not make this public acknowledgment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa [Mr. GILLETTE] to the amendment of the committee in the nature of a substitute.

The amendment to the amendment was agreed to.

Mr. NYE. Mr. President, I send to the desk three amendments, which I wish to have considered en bloc. I ask that the amendments be stated.

The PRESIDING OFFICER. Without objection, the amendments will be stated.

The CHIEF CLERK. On page 15, line 21, after the word "or" where it appears the first time, it is proposed to insert the following: "to carry directly or indirectly"; on page 16,

line 12, after the word "proclamation," is is proposed to insert "or to any neutral for transshipment to or for the use of any state named in such proclamation"; on page 19, line 4, after the word "area", it is proposed to insert a colon and the following:

Provided, however, That no definition of combat areas shall permit American vessels to engage in indirect commerce with any state named in the proclamation issued under authority of section 1 (a) by transshipment at or through neutral states.

Mr. NYE. Mr. President, since these three amendments all go to one lone point, I ask unanimous consent that they may be considered jointly.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota? The Chair hears none, and it is so ordered.

Mr. NYE. Mr. President, I shall be very brief in stating my reasons for wanting to see this amendment adopted. The present neutrality law provides for that contingency which might find shipments going to a belligerent nation through neutral ports. The pending measure before the Senate does not provide for such a contingency. I am sure it should be provided for. If it is argued that there cannot be a successful enforcement of any law restraining shipments to belligerents through neutrals, I simply point to the report of the Federal Munitions Board revealing instances wherein the Board has considered that it has power to restrain shipments intended for belligerents shipped to a neutral port for transshipment. The whole purpose of the amendment is simply to provide that there shall be no shipment to a belligerent through a neutral port.

Mr. KING. Mr. President, will the Senator yield?

Mr. NYE. I yield.

Mr. KING. I am not sure that I fully understand the meaning of the Senator, although I have no doubt his statement was very clear. Am I correct in understanding that the Senator's amendment goes so far as to prevent any nation that has obtained American commodities which have passed through a combat zone disposing of them legitimately to some other neutral or some nonneutral country? I am not quite sure how far the amendment offered by the Senator goes.

Mr. NYE. My wish is to prevent exports to belligerent nations which might be obtained by the belligerent dealing through a neutral port. The law today—the Neutrality Act of the land—provides the President with power to put a stop to exportations when he finds they are reaching belligerents to whom our law prohibits shipment. That is the whole purpose.

Mr. KING. Assume that wheat or any other commodity essential to life should be denounced as contraband, and that the United States should ship to Holland something which Germany had denounced as contraband. Would that mean that if we shipped it to Holland the purchaser there might not ship it to Germany, even in a legitimate transaction?

Mr. NYE. The power would rest with our Government to prevent future shipments of that kind if they were found to be going to a belligerent who, under our law, was not intended to receive that help.

Mr. KING. Would the power extend to noncontraband commodities?

Mr. NYE. It would.

Mr. PITTMAN. Mr. President, this matter, of course, was given great consideration by those who drafted the substitute. I am rather surprised to hear that the distinguished Senator from North Dakota desires to grant all this discretion to some one person. I believe he thinks he is granting that discretion to the President. As a matter of fact, he is granting that discretion to Mr. Green, in the Munitions Control Board. In other words, Mr. Green says whether or not a shipment of wheat, cotton, or anything else may be made to Norway, if he has some proof that it is to be transshipped to Great Britain or Germany.

Mr. NYE. Mr. President, does not the amendment rather definitely provide that the power shall rest with the President, who has the determination of what shall be the war zones?

Mr. PITTMAN. If we say, directly or indirectly, that the President shall have the determination, as a matter of fact, someone else determines the matter. In the case of Spain, as has been shown in the RECORD, Mr. Green cut off some shipments of airplanes to France. Other shipments of airplanes he did not cut off, on the theory that some of them were going to Spain and others were not. There was no trial before anybody. No testimony was taken. There was quite a diplomatic correspondence on the subject between France and our country. That was a very small affair.

The proposal now is to allow the President to determine whether or not a shipment of cotton or wheat shall go to Russia, on the theory that it might reach Germany. The determination that it shall not go into Rumania, Yugoslavia, or any of those countries if somebody determines that its ultimate destination is Germany, would be made solely by the President of the United States. It is too much power to place in any one person's hands. If the President determines that a certain shipment shall not take place, it is unlawful, and anyone who violates his orders may be put in the penitentiary.

The master of a ship, we will say, has a cargo going to Russia or to Yugoslavia. Then there is a determination that the goods he has on board—perhaps cotton, wheat, or foodstuffs—are ultimately destined for Germany, Great Britain, or France. If the goods eventually reach such a destination, the master of the vessel goes to the penitentiary. He has no control over the matter.

Mr. President, if those who do not want our Government to meddle in the affairs of Europe are sincere about it, they will not vest any such power as this in the hands of anybody. We know who the belligerents are, and we say that commodities on the contraband list shall not be shipped to them. Until they become belligerents, we do not want to mix into the affairs of every neutral country in the world.

I hope the amendment will be defeated.

Mr. REYNOLDS. Mr. President, just prior to the adoption of the amendment offered by the junior Senator from Utah [Mr. THOMAS] I had occasion to make a few observations in regard to refugees coming into this country as the result of an inquiry directed to me by the junior Senator from Nevada [Mr. MCCARRAN].

In that connection I wish to say that in my opinion the United States Lines are not responsible for having permitted alien refugees to occupy berths aboard ships flying the American flag, instead of those berths being occupied by American citizens. I say very pointedly that I do not think the executives of the United States Lines ought to be censured, for the reason that prior thereto the United States Lines had made contracts with the refugee alien passengers for accommodations aboard the respective ships of the fleet of the United States Lines. However, I do say that in my opinion criticism should be directed to the State Department of the United States, because I contend, as my personal opinion, that American citizens should have been protected and provided for prior to any protection being given to aliens or refugees from foreign lands who are coming into this country to escape from the war zone.

Mr. President, in connection with the subject of un-American activities, which is concerned with the limitation of foreigners coming to this country, which subject was brought up by way of the Thomas amendment, I have just clipped from the afternoon Washington News two articles, one entitled "G-men on the Alert To Foil Saboteurs," and the other entitled "Tons of Anti-Democratic Propaganda Flood United States." I ask unanimous consent that these articles be printed in the RECORD in connection with my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Daily News of October 27, 1939]

G-MEN ON THE ALERT TO FOIL SABOTEURS

The campaign against possible sabotage and alleged un-American activities moved forward today on several fronts.

As President Roosevelt denounced conscious and unconscious supporters of communism, nazi-ism, and fascism as "distinct dangers to democracy," these developments stood out:

1. Attorney General Murphy revealed that the Federal Bureau of Investigation has instituted a plan of protective supervision over important industrial plants to guard against sabotage.

DIES ASKS PROSECUTION

2. Chairman MARTIN DIES (Democrat, Texas) of the House committee investigating un-American activities, asked Mr. Murphy to proceed against the American League for Peace and Democracy, whose membership includes Federal officials, for "flagrant violation" of the Federal statute requiring registration of foreign principals with the State Department.

3. Representative J. MARTIN KENNEDY (Democrat, New York) proposed that Congress "put some teeth in law to care for these filthy Communists," and then turn war veterans' organizations "loose, with the best wishes of this Congress," to help the F. B. I. drive "these Communist rascals to cover."

MURPHY PRAISES DIES

4. Mr. Murphy praised the Dies committee for its "excellent work in the educational field," but said the Justice Department would engage in no "red hunts or brass-band raids," and would limit its investigations to violations of Federal laws, not "political ideologies." He confirmed reports that F. B. I. agents are cooperating in an investigation of alleged anti-Semitic activities there, and is investigating activities of Fritz Kuhn, German-American Bund leader. There is evidence, he added, that some bund members are engaged in illegal transportation of arms.

5. Representative NOAH MASON (Republican, Illinois) declared all Government employees who are members of the American League for Peace and Democracy should either resign or be fired from their posts.

ASKS ACTION AGAINST LEAGUE

Representative DIES, in a letter to Mr. Murphy, said that because of the President's proclamation of a "limited national emergency," the case of the League for Peace and Democracy "clearly requires attention in connection with the strengthening of our national defense."

Representative KENNEDY said Communists were spreading their "devilish propaganda" throughout the Nation because United States naturalization laws "hold out a welcome hand" and courts apparently are "reluctant to deport them."

He urged the House to "check up on" J. B. Matthews, chief investigator for the Dies committee, who formerly was a Communist "fellow traveler." The House, Representative KENNEDY said, should look into Mr. Matthews' past record and "his brazen attempt now to chase down his former comrades."

[From the Washington Daily News of October 27, 1939]

TONS OF ANTIDEMOCRATIC PROPAGANDA FLOOD UNITED STATES

Approximately 900 antidemocratic groups are bombarding Americans—28,000,000 of them—with literature every week, Edward C. Lindeman declared yesterday at the United States Chamber of Commerce in a lecture sponsored by the Council of Social Agencies.

The figure has been compiled by the Institute of Propaganda Analysis, of which Mr. Lindeman is head.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Dakota [Mr. NYE] to the committee amendment in the nature of a substitute.

The amendment to the amendment was rejected.

Mr. NYE. Mr. President, I had a second amendment which I had intended to call up, but I am most happy to observe that this afternoon the senior Senator from Iowa [Mr. GILLETTE] accomplished, by reason of his amendment, the purpose which was mine.

I now ask to call up for consideration my amendment in the nature of a substitute for the joint resolution.

The PRESIDING OFFICER. The amendment offered by the gentleman from North Dakota in the nature of a substitute will be stated.

Mr. McNARY. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Oregon?

Mr. NYE. I yield to the Senator from Oregon.

Mr. McNARY. Do I correctly understand from the able Senator from North Dakota that this amendment is in the nature of a substitute for the measure as reported by the committee?

Mr. NYE. It is.

Mr. McNARY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Bankhead	Borah	Burke
Andrews	Barbour	Bridges	Byrd
Austin	Barkley	Brown	Byrnes
Bailey	Bilbo	Bulow	Capper

Caraway	Harrison	Mead	Smathers
Chandler	Hatch	Miller	Smith
Chavez	Hayden	Minton	Stewart
Clark, Idaho	Herring	Murray	Taft
Clark, Mo.	Hill	Neely	Thomas, Okla.
Connally	Holman	Norris	Thomas, Utah
Danaher	Holt	Nye	Tobey
Davis	Hughes	O'Mahoney	Townsend
Donahay	Johnson, Calif.	Overton	Truman
Downey	Johnson, Colo.	Pepper	Tydings
Ellender	King	Pittman	Vandenberg
Frazier	La Follette	Radcliffe	Van Nuys
George	Lee	Reed	Wagner
Gerry	Lodge	Reynolds	Walsh
Gibson	Lucas	Russell	Wheeler
Gillette	Lundeen	Schwartz	White
Green	McCarran	Schwellenbach	Wiley
Guffey	McKellar	Sheppard	
Gurney	McNary	Shipstead	
Hale	Maloney	Slatery	

The PRESIDING OFFICER (Mr. LUCAS in the chair). Ninety-three Senators have answered to their names. A quorum is present.

The question is on the amendment offered by the Senator from North Dakota [Mr. NYE] to the committee amendment in the nature of a substitute.

Mr. NYE. Mr. President, first, I should like to perfect my proposed substitute at page 5, in line 15, after the semicolon, starting with the word "and" and extending down to and including the word "vessel", in line 19, by striking out that language and inserting in lieu thereof the words "or (4) to any port on the Atlantic Ocean south of 30 degrees north latitude." That modification is made in order to make the proposed substitute accord with the form in which the pending proposal now is, and includes the slight alteration striking out the word "South" before the words "Atlantic Ocean", which was made on request of the Senator from Texas [Mr. CONNALLY] this morning.

Mr. PITTMAN. Yes. The word "South", before the word "Atlantic", was stricken out. I understand the Senator is modifying his own amendment?

Mr. NYE. Perhaps I may more clearly state it. I should like to modify my amendment to the extent that the pending resolution has been modified in this particular instance.

Mr. PITTMAN. Of course, there is no objection to the Senator doing that.

The PRESIDING OFFICER. The Chair will state to the Senator that he has a right to modify his own amendment.

Mr. NYE. I ask unanimous consent that the amendment as modified may be considered as having been read.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NYE's modified amendment, in the nature of a substitute for the committee amendment, is as follows:

On page 15, starting with line 1, to strike out all of that page and all following pages down to and including line 10 on page 32, and insert the following:

"PROCLAMATION OF A STATE OF WAR BETWEEN FOREIGN STATES

"SECTION 1. (a) That whenever the President, or the Congress by concurrent resolution, shall find that there exists a state of war between foreign states, the President shall issue a proclamation naming the states involved; and he shall, from time to time, by proclamation, name other states as and when they may become involved in the war.

"(b) Whenever the state of war which shall have caused the President to issue any proclamation under the authority of this section shall have ceased to exist with respect to any state named in such proclamation, he shall revoke such proclamation with respect to such state.

"EXPORT OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

"SEC. 2. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereafter be unlawful to export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war, from any place in the United States to any belligerent state named in such proclamation, or to any neutral state for transshipment to, or for the use of, any such belligerent state.

"(b) The President shall, from time to time, by proclamation, extend such embargo upon the export of arms, ammunition, or implements of war to other states as and when they may become involved in such war.

"SEC. 3. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereafter be unlawful for any American vessel to carry any passengers or to carry, directly or indirectly, any articles or materials to any state named in such proclamation.

"(b) Whoever shall violate any of the provisions of subsection (a) of this section or of any regulations issued thereunder shall, upon

conviction thereof, be fined not more than \$50,000 or imprisoned for not more than 5 years, or both. Should the violation be by a corporation, organization, or association, each officer or director thereof participating in the violation shall be liable to the penalty herein prescribed.

"(c) Whenever the President shall have issued a proclamation under the authority of section 1 (a) it shall thereafter be unlawful to export or transport, or attempt to export or transport, or cause to be exported or transported, from the United States, directly or indirectly, to any state named in such proclamation, any articles or materials until all right, title, and interest therein shall have been transferred to some foreign government, agency, institution, association, partnership, corporation, or national. The shipper of such articles or materials shall be required to file with the collector of the port from or through which they are to be exported a declaration under oath that there exists in no citizen of the United States any right, title, or interest in such articles or materials, and to comply with such rules and regulations as shall be promulgated from time to time. Any such declaration so filed shall be a conclusive estoppel against any claim of any citizen of the United States of right, title, or interest, in such articles or materials. No loss incurred by any such citizen in connection with the sale or transfer of right, title, and interest in any such articles or materials shall be made the basis of any claim put forward by the Government of the United States.

"(d) Insurance written by underwriters on articles or materials included in shipments which are subject to restrictions under the provisions of this joint resolution, and on vessels carrying such shipments shall not be deemed an American interest therein, and no insurance policy issued on such articles or materials, or vessels, and no loss incurred thereunder or by the owners of such vessels, shall be made the basis of any claim put forward by the Government of the United States.

"(e) Whenever any proclamation issued under the authority of section 1 (a) shall have been revoked with respect to any state, the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation.

"(f) The provisions of subsection (a) of this section shall not apply to transportation by American vessels on or over lakes, rivers, and inland waters bordering on the United States, or to transportation by aircraft on or over lands bordering on the United States; and the provisions of subsection (c) of this section shall not apply (1) to such transportation of any articles or materials other than articles listed in a proclamation issued under the authority of section 12 (1), or (2) to any other transportation on or over lands bordering on the United States of any articles or materials other than articles listed in a proclamation issued under the authority of section 12 (1).

"(g) The provisions of subsections (a) and (c) of this section shall not apply to transportation by American vessels (other than aircraft) of mail, passengers, or any articles or materials (except articles or materials listed in a proclamation issued under the authority of section 12 (1) (1)) to any port in the Western Hemisphere south of 30 degrees north latitude, or (2) to any port in the Western Hemisphere north of 35 degrees north latitude and west of 66 degrees west longitude, or (3) to any port on the Pacific or Indian Oceans, including the China Sea, the Bay of Bengal, the Tasman Sea, and the Arabian Sea, or (4) to any port on the Atlantic Ocean south of 30 degrees north latitude. The exceptions contained in this subsection shall not apply to any such port which is included within a combat area as defined in section 3 which applies to such vessels.

"(h) The provisions of subsection (a) of this section shall not apply to transportation by aircraft of mail, passengers, or any articles or materials (except articles or materials listed in a proclamation issued under the authority of section 12 (1) (1)) to any port in the Western Hemisphere, or (2) to any port on the Pacific or Indian Oceans, including the China Sea, the Bay of Bengal, and the Arabian Sea; and the provisions of subsection (c) of this section shall not apply to such transportation of mail, personal effects of any individual on any such aircraft, and necessary supplies for any such aircraft. The exceptions contained in this subsection shall not apply to any such port which is included within a combat area as defined in section 3 which applies to such aircraft.

"(i) Every American vessel to which the provisions of subsections (g) and (h) apply shall, before departing from a port or from the jurisdiction of the United States, file with the collector of customs of the port of departure, or if there is no such collector at such port, then with the nearest collector of customs, an export declaration (1) containing a complete list of all the articles and materials carried as cargo by such vessel, and the names and addresses of the consignees of all such articles and materials, and (2) stating the ports at which such articles and materials are to be unloaded and the ports of call of such vessel. All transportation referred to in subsections (f), (g), and (h) of this section shall be subject to such restrictions, rules, and regulations as the President shall prescribe; but no loss incurred in connection with any transportation excepted under the provisions of subsections (g) and (h) of this section shall be made the basis of any claim put forward by the Government of the United States.

"(j) Whenever all proclamations issued under the authority of section 1 (a) shall have been revoked, the provisions of subsections (f), (g), (h), and (i) shall expire.

"EXPORT CONTROL BOARD

"Sec. 4 (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), he shall thereupon

establish an Export Control Board (hereinafter referred to in this section as the 'Board'), to be composed of a chairman to be appointed by the President, the Secretaries of State, Commerce, and Interior, two Members of the Senate to be appointed by the President of the Senate, not more than one of whom shall belong to the same political party, and two Members of the House of Representatives to be appointed by the Speaker of the House of Representatives, not more than one of whom shall belong to the same political party. A vacancy in the membership of the Board shall not affect the power of the remaining members to execute the functions of the Board, and shall be filled in the same manner as the original appointment.

"(b) In order to prevent the growth and subsequent collapse of a short-lived war boom with its attendant dangers to our peace, prosperity, and cost of living, it shall be the duty of the Board to limit the annual exportation of commodities from the United States to each state named in any such proclamation to the average annual exports to each such state from the United States during any 4 consecutive years of the 12-year period immediately preceding the date such proclamation is issued.

"(c) The Board shall compute for each such state as soon as practicable the average annual exports of commodities from the United States to each such state for each of the following major categories: Crude materials, crude foodstuffs, manufactured foodstuffs, semimanufactures, and finished manufactures. The computation so made with respect to each such major category for any such state shall thereafter be the annual quota for such category for such state.

"(d) Upon the establishment of an annual quota for each major category for each such state, the Board shall, upon the request of the duly authorized and empowered purchasing agent for such state, issue licenses to such agent for the exportation of commodities to such state. No licenses shall be issued to any such agent during any 1 year for the exportation of commodities within each major category in excess of the annual quota established for such category for such state: *Provided*, That if the President shall find that the civilian population of any such state is in extreme need as a result of the war to which the President's proclamation relates, he may increase the annual quotas for such state so long as such need exists, but such increase shall not exceed 10 percent of such annual quotas.

"(e) Whenever a stored surplus of commodities within any such major category exists in the United States and such surplus is not necessary for the welfare or defense of the United States, licenses for the exportation of such commodities shall be limited to such stored surplus so long as such surplus exists.

"(f) It shall be the duty of the Board to tabulate and examine the character of exports to neutral states, and if the Board finds (1) that commodities in any major category are being imported from the United States by any such neutral state in abnormal quantities, (2) that such imports are not in lieu of imports previously secured from belligerent states, and (3) that such imports are not for their own needs but are being transshipped to belligerents, the Board shall announce such finding and thereafter the provisions of this section shall apply to such neutral state with respect to such major category in the same manner and to the same extent as it applies to such belligerents.

"(g) The Board shall have power to employ and fix the compensation of such officers, experts, and employees as it deems necessary for the performance of its duties, but the compensation so fixed shall not exceed the compensation fixed under the Classification Act of 1923, as amended, for comparable duties. The Board is authorized to utilize the services, information, facilities, and personnel of the departments and agencies in the executive branch of the Government. The members of the Board shall serve without additional compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the exercise of the functions vested in the Board. The Board is authorized to make such rules and regulations as may be necessary to carry out its functions under this section.

"(h) During any period in which the provisions of this section are in effect, it shall be unlawful for any person to export or transport, or attempt to export or transport, or cause to be exported or transported, from the United States to any such state during any calendar year, and such commodities in excess of the quota so established; and it shall be unlawful for any person to export or transport, or attempt to export or transport, or cause to be exported or transported, from the United States to any such state, any such commodities without first having obtained a license therefor.

"(i) The provisions of this section shall apply only during a period in which a proclamation issued under the authority of section 1 (a) is in effect; and shall cease to apply to any state named in any such proclamation when such proclamation has been revoked with respect to such state.

"COMBAT AREAS

"Sec. 5. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), he shall, by proclamation, define combat areas, and thereafter it shall be unlawful, except under such rules and regulations as may be prescribed, for any citizen of the United States or any American vessel to proceed into or through any such combat area: *Provided*, That no definition of combat areas shall permit American vessels to engage in indirect commerce with belligerents by transshipments at or through neutral ports.

"(b) Whenever the President shall have issued a proclamation under authority of section 1 (a), he shall require American vessels to carry clear distinguishing marks, both by day and by night,

and the ships of any state which duplicates such marks or uses the American flag on its vessels shall be barred from the ports of the United States until such time as the President is satisfied that such duplicated marks or misuse of the flag have ceased or been removed from every ship of such state.

"(c) In case of the violation of any of the provisions of this section by any American vessel, or any owner or officer thereof, or by any shipper, such vessel, owner, officer, or shipper shall be fined not more than \$50,000 or imprisoned for not more than 5 years, or both. Should the shipper or the owner of such vessel be a corporation, organization, or association, each officer or director participating in the violation shall be held liable to the penalty hereinabove prescribed. In case of the violation of this section by any citizen traveling as a passenger, such passenger may be fined not more than \$10,000 or imprisoned for not more than 2 years, or both.

"(d) The President may from time to time modify or extend any proclamation issued under the authority of this section, and when the conditions which shall have caused him to issue any such proclamation shall have ceased to exist he shall revoke such proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation.

"AMERICAN RED CROSS

"SEC. 6. The provisions of section 2 (a) shall not prohibit the transportation by vessels, under charter or other direction and control of the American Red Cross, proceeding under safe conduct granted by states named in any proclamation issued under the authority of section 1 (a), of officers and American Red Cross personnel, medical personnel, medical supplies, food, and clothing, for the relief of human suffering.

"TRAVEL ON VESSELS OF BELLIGERENT STATES

"SEC. 7. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a) it shall thereafter be unlawful for any citizen of the United States to travel on any vessel of any state named in such proclamation, except in accordance with such rules and regulations as may be prescribed.

"(b) Whenever any proclamation issued under the authority of section 1 (a) shall have been revoked with respect to any state the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation.

"ARMING OF AMERICAN MERCHANT VESSELS PROHIBITED

"SEC. 8. Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereafter be unlawful, until such proclamation is revoked, for any American vessel, engaged in commerce with any foreign state, to be armed, except with small arms and ammunition therefor, which the President may deem necessary and shall publicly designate for the preservation of discipline aboard any such vessel.

"FINANCIAL TRANSACTIONS

"SEC. 9. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereafter be unlawful for any person within the United States, or for the United States or an instrumentality of the United States, to purchase, sell, import, exchange, or accept as security, or accept as payment for any goods or services, bonds, securities, currency, or other obligations of the government of any state named in such proclamation, or of any political subdivision of any such state, or of any person acting for or on behalf of the government of any such state, unless such bond, security, debt, or other obligation was issued and outstanding in the United States before the date of such proclamation, or to make any loan or extend any credit to any such government, political subdivision, or person. Any agreement, contract, or other commitment to produce, make, sell, or deliver goods, or to perform any service, under which the full face value of the contract, agreement, or other commitment is not paid in cash, or for the payment of which equivalent cash is not placed in escrow, at the time such agreement, contract, or other commitment is entered into, shall be deemed to be credit within the meaning of this section. The face value of any contingent or open-end agreement, contract, or other commitment shall be considered to be the value of maximum performance thereunder. In this section cash shall include only obligations or lawful money of the United States or certified checks drawn upon banks within the jurisdiction of the United States, or of any State. The provisions of this subsection shall also apply to the sale by any person within the United States to any person in a state named in any such proclamation of any articles or materials listed in a proclamation issued under the authority of section 14 (i): *Provided*, That any person except banks, the United States, or instrumentalities of the United States, may acquire currency of any such state, and any bank other than a bank owned by the United States may acquire such currency up to 10 percent of its capital and surplus. Nothing in this section shall prevent any bank from investing such currency in any manner so long as the sum of such investment and such currency does not exceed 10 percent of its capital and surplus.

"(b) The provisions of this section shall not apply to a renewal or adjustment of such indebtedness as may have been outstanding in the United States on the date of such proclamation.

"(c) Whoever shall violate any of the provisions of this section or of any regulations issued thereunder shall, upon conviction thereof, be fined not more than \$50,000 or imprisoned for not more than 5 years, or both. Should the violation be by a corpora-

tion, organization, or association, each officer or director thereof participating in the violation shall be liable to the penalty herein prescribed. No claim acquired through any loan or credit extended, or through any obligation purchased or acquired, in violation of this section shall be enforceable in any court of law or equity within the jurisdiction of the United States, or of any State.

"(d) Whenever any proclamation issued under the authority of section 1 (a) shall have been revoked with respect to any state, the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation.

"SOLICITATION AND COLLECTION OF FUNDS

"SEC. 10. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereafter be unlawful for any person within the United States to solicit or receive any contribution for or on behalf of the government of any state named in such proclamation or for or on behalf of any agent, instrumentality, or supporter of any such state.

"(b) Nothing in this section shall be construed to prohibit the solicitation or collection of funds to be used for medical aid and assistance, or for food and clothing to relieve human suffering, when such solicitation or collection of funds is made on behalf of and for use by any person or organization which is not acting for or on behalf or in aid of any such government, but all such solicitations and collections of funds shall be in accordance with and subject to such rules and regulations as may be prescribed.

"(c) Whenever any proclamation issued under the authority of section 1 (a) shall have been revoked with respect to any state, the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation.

"AMERICAN REPUBLICS

"SEC. 11. This joint resolution shall not apply to any American republic engaged in war against a non-American state or states, provided the American republic is not cooperating with a non-American state or states in such war.

"RESTRICTIONS ON USE OF AMERICAN PORTS

"SEC. 12. (a) Whenever, during any war in which the United States is neutral, the President, or any person thereunto authorized by him, shall have cause to believe that any vessel, domestic or foreign, whether requiring clearance or not, is about to carry out of a port or from the jurisdiction of the United States, fuel, men, arms, ammunition, implements of war, supplies, dispatches, or information to any warship, tender, or supply ship of a state named in a proclamation issued under the authority of section 1 (a), but the evidence is not deemed sufficient to justify forbidding the departure of the vessel as provided for by section 1, title V, chapter 30, of the act approved June 15, 1917 (40 Stat. 217, 221; U. S. C., 1934 edition, title 18, sec. 31), and if, in the President's judgment, such action will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security or neutrality of the United States, he shall have the power and it shall be his duty to require the owner, master, or person in command thereof, before departing from a port or from the jurisdiction of the United States, to give a bond to the United States, with sufficient sureties, in such amount as he shall deem proper, conditioned that the vessel will not deliver the men, or any fuel, supplies, dispatches, information, or any part of the cargo, to any warship, tender, or supply ship of a state named in a proclamation issued under the authority of section 1 (a).

"(b) If the President, or any person thereunto authorized by him, shall find that a vessel, domestic or foreign, in a port of the United States, has previously departed from a port or from the jurisdiction of the United States during such war and delivered men, fuel, supplies, dispatches, information, or any part of its cargo to a warship, tender, or supply ship of a state named in a proclamation issued under the authority of section 1 (a), he may prohibit the departure of such vessel during the duration of the war.

"SEC. 13. (a) Whenever the President shall have issued a proclamation under section 1 (a), the submarines or armed merchant vessels of any state named in such proclamation shall be considered ships of war and shall be accorded only such treatment in the ports and territorial waters of the United States as is accorded to ships of war.

"(b) No disguised armed vessel with masked or concealed guns or weapons of any sort shall be permitted to enter or depart from the Territorial waters of the United States, and the ships of any state which employs such disguised armed vessels shall be barred from ports of the United States until such time as the President is satisfied that the use of such disguised armed vessels has been discontinued.

"NATIONAL MUNITIONS CONTROL BOARD

"SEC. 14. (a) There is hereby established a National Munitions Control Board (hereinafter referred to as the 'Board'). The Board shall consist of the Secretary of State, who shall be Chairman and executive officer of the Board, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of Commerce, two Members of the Senate to be appointed by the President of the Senate, and two Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. A congressional vacancy in the membership of the Board shall be filled in the same manner as the original selection.

Except as otherwise provided in this section, or by other law, the administration of this section is vested in the Secretary of State. The Secretary of State shall promulgate such rules and regulations with regard to the enforcement of this section as he may deem necessary to carry out its provisions. The Board shall be convened by the Chairman and shall hold at least one meeting a year.

"(b) Every person who engages in the business of manufacturing, exporting, or importing any arms, ammunition, or implements of war listed in a proclamation issued under the authority of subsection (1) of this section, whether as an exporter, importer, manufacturer, or dealer, shall register with the Secretary of State his name, or business name, principal place of business, and places of business in the United States, and a list of the arms, ammunition, and implements of war which he manufactures, imports, or exports.

"(c) Every person required to register under this section shall notify the Secretary of State of any change in the arms, ammunition, or implements of war which he exports, imports, or manufactures; and upon such notification the Secretary of State shall issue to such person an amended certificate of registration, free of charge, which shall remain valid until the date of expiration of the original certificate. Every person required to register under the provisions of this section shall pay a registration fee of \$100. Upon receipt of the required registration fee, the Secretary of State shall issue a registration certificate valid for 5 years, which shall be renewable for further periods of 5 years upon the payment for each renewal of a fee of \$100.

"(d) It shall be unlawful for any person to export, or attempt to export, from the United States to any other state, any arms, ammunition, or implements of war listed in a proclamation issued under the authority of subsection (1) of this section, or to import, or attempt to import, to the United States from any other state, any of the arms, ammunition, or implements of war listed in any such proclamation, without first having submitted to the Board the name of the purchaser and the terms of sale and having obtained a license therefor.

"(e) All persons required to register under this section shall maintain, subject to the inspection of the Secretary of State, or any person or persons designated by him, such permanent records of manufacture for export, importation, and exportation of arms, ammunition, and implements of war as the Secretary of State shall prescribe.

"(f) Licenses shall be issued by the Secretary of State to persons who have registered as herein provided for, except in cases of export or import licenses where the export of arms, ammunition, or implements of war would be in violation of this joint resolution or any other law of the United States, or of a treaty to which the United States is a party, in which cases such licenses shall not be issued.

"(g) No purchase of arms, ammunition, or implements of war shall be made on behalf of the United States by any officer, executive department, or independent establishment of the Government from any person who shall have failed to register under the provisions of this joint resolution.

"(h) The Board shall make a report to Congress on January 1 and July 1 of each year, copies of which shall be distributed as are other reports transmitted to Congress. Such reports shall contain such information and data collected by the Board as may be considered of value in the determination of questions connected with the control of trade in arms, ammunition, and implements of war, including the name of the purchaser and the terms of sale made under such license. The Board shall include in such reports a list of all persons required to register under the provisions of this joint resolution, and full information concerning the licenses issued hereunder, including the name of the purchaser and the terms of sale made under such license.

"(i) The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this joint resolution.

"REGULATIONS

"Sec. 15. The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.

"GENERAL PENALTY PROVISION

"Sec. 16. In every case of the violation of any of the provisions of this joint resolution or of any rule or regulation issued pursuant thereto where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than \$10,000 or imprisoned not more than 2 years, or both.

"DEFINITIONS

"Sec. 17. For the purposes of this joint resolution—

"(a) The term 'United States', when used in a geographical sense, includes the several States and Territories, the insular possessions of the United States (including the Philippine Islands), the Canal Zone, and the District of Columbia.

"(b) The term 'person' includes a partnership, company, association, or public or private corporation, as well as a natural person.

"(c) The term 'vessel' means every description of watercraft and aircraft capable of being used as a means of transportation on, under, or over water.

"(d) The term 'American vessel' means any vessel documented, and any aircraft registered or licensed, under the laws of the United States.

"(e) The term 'state' shall include nation, government, and country.

"(f) The term 'citizen' shall include any individual owing allegiance to the United States, a partnership, company, or association composed in whole or in part of citizens of the United States, and any corporation organized and existing under the laws of the United States as defined in subsection (a) of this section.

"(g) The terms 'bonds,' 'securities,' or 'other obligations' shall include every debt, claim, title, ownership, or interest, and every instrument evidencing any of them.

"(h) The term 'currency' shall include all forms of the lawful money of any state named in any proclamation issued under section 1 (a) and bank balances carried in such currency.

"SEPARABILITY OF PROVISIONS

"Sec. 18. If any of the provisions of this joint resolution, or the application thereof to any person or circumstance, is held invalid, the remainder of the joint resolution, and the application of such provision to other persons or circumstances, shall not be affected thereby.

"APPROPRIATIONS

"Sec. 19. There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of this joint resolution.

"REPEALS

"Sec. 20. The joint resolution of August 31, 1935, as amended, and the joint resolution of January 8, 1937, are hereby repealed; but offenses committed and penalties, forfeitures, or liabilities incurred under either of such joint resolutions prior to the date of enactment of this joint resolution may be prosecuted and punished, and suits and proceedings for violations of either of such joint resolutions or of any rule or regulation issued pursuant thereto may be commenced and prosecuted, in the same manner and with the same effect as if such joint resolutions had not been repealed.

"Sec. 21. This joint resolution may be cited as the Neutrality Act of 1939."

Mr. NYE. Mr. President, I shall be very brief and desire to state only wherein my substitute proposal differs from the Pittman resolution now pending before the Senate. I offer it only as an evidence of what I should like to see contained in the neutrality law of the United States. Other Senators share, at least in some particular, a like interest.

Section 1 (a) of the amendment is identical with the Pittman resolution, except that the language referred to by the Senator from Colorado [Mr. JOHNSON] in the amendment which he proposed is eliminated.

Paragraph (b) of section 1 is identical with the Pittman proposal.

Sections 2 (a) and (b) are identical with the Pittman proposal.

Section 3 (a) is the same as the Pittman proposal, except there is added a ban against indirect shipments through neutrals in accordance with an amendment I previously offered this afternoon.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. NYE. I yield.

Mr. KING. That is the same as the amendment which was offered and which was voted down a few moments ago, is it not?

Mr. NYE. The Senator is correct in his statement.

Paragraph (c) of section 3 is the same, except for the ban which is provided therein against indirect shipments or transshipments, which provision was also involved in a previous amendment offered this afternoon.

Paragraphs (d), (e), (f), (g), (h), (i), and (j) are identical with the Pittman proposal.

In section 4, involving the Export Control Board, the proposed substitute incorporates what is commonly referred to here as the La Follette quota base or system.

Section 5, paragraph (a), adds a ban against American ships entering danger zones to carry indirect cargoes to belligerents.

Paragraph (b) is new and is a protection, or a proposed protection, of American ships by forbidding foreign states to misuse our flag, which has been involved in other amendments which have been considered by the Senate.

Paragraphs (c) and (d) of section 5 are the same except the proposed substitute provides an extension of the penalty to the shippers as well as to the vessels.

Section 6, section 7, and section 8 are identical with the Pittman proposal.

Section 9, involving financial transactions, does, in fact, what the section of the Pittman resolution appears to do. In the light of what the Senate has done this afternoon in adopting the amendment offered by the senior Senator from Iowa [Mr. GILLETTE], I should be quite happy to include in any serious consideration of the proposed substitute the language which the Senate adopted by reason of his amendment.

Section 10, section 11, and section 12 are identical with the Pittman proposal.

Section 13 (a) relates to the entrance of armed merchantmen and submarines into American ports, a question which has been dealt with by a separate amendment already considered by the Senate.

Paragraph (b) of section 13 forbids the disguising of armed ships as peaceful merchantmen.

Section 14, involving the National Munitions Control Board, is the same as that proposed in the Pittman resolution, but adds the proposal which was advanced by the Senator from Missouri [Mr. CLARK] and which would enlarge the Board to the extent of adding Members from the Senate and Members from the House of Representatives to the membership of the Board.

Section 15 is precisely that embodied in the Pittman resolution; and the same statement may be made as to section 16.

The only changes in section 17 are found in paragraph (b), which adds public corporations to the definition which the section provides.

In paragraphs (g) and (h) of the same section there is a definition of financial terms which I believe to be essential.

The remainder of the proposed substitute is identical with the Pittman proposal.

Mr. President, it will be observed that in the main the wish represented by this proposed substitute is for the retention of the arms embargo and for the cover-all of other commodities not involved under the embargo by the so-called La Follette quota plan.

On the proposed substitute I have no desire to be heard further by the Senate, but I should like to be accorded the privilege of a record vote upon the proposed substitute.

Mr. PITTMAN. Mr. President, I tried to follow the Senator, and I think I have done so. He includes in section 1 (a) the provision in the form in which it was offered by the Senator from Colorado [Mr. JOHNSON], which amendment was rejected by the Senate. That question is raised again by the proposed substitute.

In section 2 (a) he also raises again the question of indirect shipments to belligerents through neutrals. That question has just been decided adversely to the contention of the Senator from North Dakota by vote of the Senate.

In section 3 he includes the words "directly or indirectly," which, again, in effect, is a request for reconsideration of an amendment which has already been decided adversely by a vote of the Senate.

The Senator from North Dakota includes in section 4 of his proposed substitute the provision with regard to an Export Control Board. That provision was offered and defeated in the Senate.

He proposes in his combat-area provision to have enacted the form in which he tried to correct the committee substitute. His proposal was defeated by the Senate in connection with that amendment.

His financial-transactions provision I have not followed through; but he states that it is practically satisfactory as it is now, with the acceptance of the amendment of the Senator from Iowa [Mr. GILLETTE].

He attempts to return to the mandatory provision with regard to armed merchantmen which was offered today in the amendment of the Senator from Missouri [Mr. CLARK] and defeated.

He also attempts to reenact the National Munitions Board control, containing the amendment of the Senator from Missouri [Mr. CLARK] which was defeated today by the Senate.

However, the main issue brought up here is that the Senator from North Dakota proposes, by this substitute for the pending joint resolution, to add the mandatory embargo features of the existing law and to change any discretion in the President with regard to placing the act in force and effect through proclamation.

I ask that the substitute of the Senator from North Dakota be rejected as to the whole issues involved.

The PRESIDING OFFICER. The question is on agreeing to the amendment, in the nature of a substitute, offered by the Senator from North Dakota [Mr. NYE] to the amendment reported by the committee.

Mr. NYE. On that question I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. SHIPSTEAD (when his name was called). I have a pair with the senior Senator from Virginia [Mr. GLASS], who is unable to be present. I am informed that if he were present he would vote "nay." I transfer my pair with him to the senior Senator from Washington [Mr. BONE], and will vote. I vote "yea."

The roll call was concluded.

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Virginia [Mr. GLASS] are detained because of illness.

The Senator from Arizona [Mr. ASHURST] is detained by reason of illness in his family.

The Senator from California [Mr. DOWNEY] is unavoidably detained.

The Senator from Nevada [Mr. McCARRAN] has been called to one of the Government departments. I am advised that if present and voting he would vote "yea."

The result was announced—yeas 22, nays 67, as follows:

YEAS—22

Bulow	Frazier	Lundeen	Vandenberg
Capper	Holman	McNary	Walsh
Chavez	Holt	Nye	Wheeler
Clark, Idaho	Johnson, Calif.	Overton	Wiley
Clark, Mo.	La Follette	Reynolds	
Donahay	Lodge	Shipstead	

NAYS—67

Adams	Davis	King	Schwellenbach
Andrews	Ellender	Lee	Sheppard
Austin	George	Lucas	Slattery
Bailey	Gerry	McKellar	Smathers
Bankhead	Gibson	Maloney	Smith
Barbour	Gillette	Mead	Stewart
Barkley	Green	Miller	Taft
Bilbo	Guffey	Minton	Thomas, Okla.
Bridges	Gurney	Murray	Thomas, Utah
Brown	Hale	Neely	Tobey
Burke	Harrison	Norris	Townsend
Byrd	Hatch	O'Mahoney	Truman
Byrnes	Hayden	Pepper	Tydings
Caraway	Herring	Pittman	Van Nuys
Chandler	Hill	Radcliffe	Wagner
Connally	Hughes	Russell	White
Danaher	Johnson, Colo.	Schwartz	

NOT VOTING—7

Ashurst	Borah	Glass	Reed
Bone	Downey	McCarran	

So Mr. NYE's amendment, in the nature of a substitute for the amendment reported by the committee, was rejected.

Mr. LA FOLLETTE. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. It is proposed to insert the following new section at the end of the joint resolution:

SEC. —. (a) Except in case of attack by armed forces, actual or immediately threatened, upon the United States or its Territorial possessions, or by any non-American nation against any country in the Western Hemisphere, a national advisory election shall be held in the several States upon the question of war or peace prior to any declaration of war by the Congress.

(b) Every citizen of the United States qualified to vote according to the laws of the State of which he or she is a resident shall be entitled to vote at such election. Such election shall be held and conducted under such rules and regulations as may be prescribed by the United States Referendum Election Board, except that such election shall be by secret written ballot and shall be conducted as nearly as possible in accordance with the laws of the several States for the conduct of their respective State elections.

(c) There is hereby created a United States Referendum Election Board (hereinafter referred to in this section as the Board), to be composed of the President of the Senate, three members of the Senate Committee on Foreign Relations to be appointed by the President of the Senate and of whom not more than two shall be members of the same political party, three members of the Committee on Foreign Affairs of the House of Representatives to be appointed by the Speaker of the House of Representatives and of whom not more than two shall be members of the same political party. Any vacancy in the membership of the Board shall be filled in the same manner as in the case of an original appointment. The President of the Senate shall be chairman of the Board ex officio, but shall have no vote except in case of an even division between the members. The members of the Board shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the exercise of the functions vested in the Board.

(d) The national advisory election herein provided for shall be called whenever four or more members of the Board shall file with the Secretary of State of the United States a written demand therefor. The question to be submitted at the election shall be, "Under existing conditions shall the United States go to war?" The Secretary of State shall by proclamation fix the day of the election, which shall be held not less than 15 days from the filing with him of the demand for the election as herein provided.

(e) In conducting any such election, the Board shall, so far as practicable, use the election officials and the polling places provided for by the laws of the several States.

(f) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Board to carry out its functions and duties, and the Board is specifically authorized and empowered to make arrangements with the Governors of the several States, or other appropriate State officers, or with towns, cities, villages, and counties or their respective officers, for using the State or local election officers, employees, and equipment in the conduct of the said election, and the costs and expenses for holding the said election shall be paid for at the same rate as may be provided by the laws of the respective States.

(g) The Board shall make public immediately the results of each national advisory election, together with the number of votes cast in each State for and against the question submitted at the election.

Mr. LA FOLLETTE. Mr. President, in my view, this amendment provides for a purely advisory referendum on the question of an overseas war.

I recognize, of course, that no statutory enactment can impair the right of Congress granted in the Constitution to declare war at any time a majority of both Houses shall pass such a resolution. However, I do contend that Congress, if a majority of it so desires, may provide that in case an issue confronting it concerning a declaration of an overseas war, machinery for taking a vote of the people shall be set up, and that if it is the will of the Congress, such an election shall be held.

I wish to make it clear at the outset, and I want to emphasize the point that the amendment does not provide for an advisory referendum to be held in case there is an attack or a threatened attack by armed forces upon the United States, upon its possessions, or upon any nation in the Western Hemisphere. The proposition is nakedly a proposal to grant the people of the United States the right, by referendum vote, to say whether or not in their opinion the Congress of the United States should make a declaration of war involving an expeditionary force to fight on foreign soil, across the sea.

Against the basic democratic idea that the people should be given a voice in the supreme issue of peace or war abroad, attacks have been provoked, often misinformed, and in some instances sheer nonsense. The sincere and profound desire of the people to have a voice in the matter of life and death has even been made the subject of dishonest and unfounded witticisms.

Mr. President, let me say that the right of the people to be heard effectively on the question of waging war outside of this hemisphere, and not in defense of our territorial possessions, cannot be answered satisfactorily to the citizens of this Nation by derision.

The amendment is based on faith in the democratic process. It presents the issue of permitting the voice of the people to be heard on the supreme issue of life or death for millions of its citizens in an overseas war.

Let me emphasize that the amendment is so drawn that Congress would not afford the voters an opportunity to express their opinion in any case where an attack was actu-

ally made or immediately threatened against this country, its territorial possessions, or the Western Hemisphere. In short, the right to an advisory vote would only be given the people upon the question of waging an offensive war overseas on foreign soil.

It is my view that this proposal is in keeping with the spirit of the Constitution. The framers of that immortal document lodged the war-making power as near to the people as the conditions under which they lived permitted. James Madison considered their final decision a real victory for democracy. He said:

In no part of the Constitution is more wisdom to be found, than in the clause which confides the question of war or peace to the legislature, and not to the executive department. Beside the objection to such a mixture of heterogeneous powers, the trust and the temptation would be too great for any one man. * * * War is in fact the true nurse of executive aggrandizement. In war, a physical force is to be created; and it is the executive will, which is to direct it. In war, the public treasures are to be unlocked; and it is the executive hand which is to dispense them.

Hence it has grown into an axiom that the executive is the department of power most distinguished by its propensity to war; hence it is the practice of all states, in proportion as they are free, to disarm this propensity of its influence.

Mr. President, I cannot see how any Senator who believes in democracy, who believes in the extension of popular participation in government, can fail to support this proposal for a national advisory war referendum prior to any declaration of an overseas war.

We have the means at hand to extend and make more effective popular participation in the policy-making decisions of our Government which did not exist at the time the Constitution was drawn. Today rapid transportation and communication, the radio, newspapers, and the rising tide of literacy which has characterized the advance of education in the United States, have provided this country with an economic and an intelligent and a democratic environment which makes this further advance toward reposing the power in the hands of the people possible, giving them a right to say whether or not their sons are to be drafted to fight on foreign soil in an overseas war. Of course, these media for reaching the whole public quickly did not exist in 1787.

Mr. President, if the amendment should be dignified by any debate, let me say, in anticipation of those who may criticize it, that under the present conditions one can no longer prevent the American people from being fully aware of each and every important critical decision which the Congress may make in the direction of going to war. Should the unhappy day ever come again in this legislative Hall when we shall be debating the issue of peace and war, every citizen—every man and woman in the United States—will know all the arguments, pro and con, which are being uttered in this Chamber.

So, Mr. President, whether we like it or not, modern life and the advance of science have drawn the supreme sovereign power of the people closer about their designated representatives in the Congress, and, whether we like it or not, I repeat, they will be hearing the arguments; they will each and every one of them be making up their own minds; and I say that upon the question of war, which is the most important of all issues which can confront the citizens, or can confront their representatives in Congress, we should do all in our power to give them an opportunity to be heard.

An advisory war referendum would have been impossible at the time the Constitution was framed. Now it is both possible and practicable. The machinery and necessary arrangements for it would be set up ahead of time if the amendment were adopted. The advisory referendum itself could be held in much less time than it takes to hold our national elections. Our national safety could not possibly be jeopardized. The referendum would not be held in case of attack or immediate threat of attack. We are amply prepared and we have a geographical situation which makes us impregnable to attack. Our strategic situation is such that we can, without any danger to our national security, extend our democracy to give our people some say, in a purely advisory way, on whether they want to fight and die on foreign soil.

Furthermore, Mr. President, I wish to emphasize that there is nothing in the pending proposal which would cripple any Chief Executive in his conduct of our foreign policy so long as that policy is not to be implemented in the end by involving this Nation in an offensive war overseas. I do not believe that there is validity in the proposition that there are effective measures short of war, but if there are those on the Senate floor who take an opposite view, this proposal for an advisory referendum on foreign war will strengthen and buttress that position. In short, this joint resolution takes at their word the spokesmen for the administration's foreign policy who maintain that it does not involve any danger or risk of war. If nothing is being done or urged upon Congress which will lead to our involvement in foreign war, then I do not see how it can be logically maintained that this amendment would cripple the administration's foreign policy in any way.

It has recently been suggested that Congress should remain in session to prevent measures leading to war from being taken. I have been a Member of this august body for nearly 14 years, and I have a great respect for the membership of both Houses of Congress, but I believe history proves that the legislative branch of our Government cannot prevent diplomatic measures from being taken which lead to war. Congress has no veto power in practical fact. Congress has only the power to write "approved" across a foreign policy of a Chief Executive when that policy has finally culminated in a demand by the Executive that Congress vote a declaration of war. Then, Mr. President, I find from my brief experience, that it writes it with cheers mixed with epithets and howls of derision against those few men who may oppose the resolution declaring a state of war.

Mr. President, this is not alone my view. Pomeroy, one of the outstanding commentators on the American Constitution, wrote as far back as 1868:

The President cannot declare war; Congress alone possesses this attribute. But the President may, without any possibility of hindrance from the legislature, so conduct the foreign intercourse, the diplomatic negotiations with other governments, as to force a war, as to compel another nation to take the initiative; and that step once taken, the challenge cannot be refused. (Pomeroy, John N., *An Introduction to the Constitutional Law of the United States*, 3d ed., New York, 1875, pp. 447-448.)

I also wish to quote from Willoughby, a more recent authority:

It is also to be noted that the power constitutionally vested in the President with regard to the control of the foreign relations of the United States makes it possible for him to bring about a situation in which, as a practical proposition, there is little option left to Congress as to whether it will or will not declare war or recognize a state of war as existing. (Willoughby, W. W., *The Constitutional Law of the United States*, 2d ed., New York, 1929, III, p. 1558.)

It may be charged by opponents that this amendment violates our traditional form of government which they contend is purely representative in character. The same argument could have been made against woman suffrage and the direct election of United States Senators. It will be noted that several States have incorporated the referendum proposal in their constitutions without impairing their traditional forms of government. The Democratic Party in convention assembled, in 1924, without a single voice of opposition so far as I have been able to ascertain, advocated that—

Our Government should secure a joint agreement with all nations for world disarmament and also for a referendum on war, except in case of actual or threatened attack. Those who furnish the blood and bear the burdens of war, should, whenever possible, be consulted before this supreme sacrifice is required of them.

I venture the assertion that there is not a single Member of Congress today who has received a mandate from the people to act in his capacity as a representative to put this Nation into war in Europe, Asia, or Africa. I further venture the assertion that except in very rare instances no Member of Congress will ever be in the possession of a mandate upon that question.

It would only be in case it could be said that an election involving the election of Representatives and Senators had

turned, and turned almost exclusively, upon a pending issue of peace or war. Only then could it be said that Members of the Congress had received a mandate from their constituencies and were in a position to act in a representative capacity upon that supreme issue.

Mr. President, acknowledging with all frankness and candor my absolute confidence in the sincerity of every statement which has been made by Senators in this debate to the effect that they would not vote again for a declaration of war involving the sending of American troops in an expeditionary force overseas, I want to express it as my fear, growing out of the experience which I went through during the last war, that history will repeat itself. Instead, if that unfortunate issue is presented, I think history will repeat itself, and that rather than acting in a representative capacity, Congress will be forced to approve the Executive decision and to make the best of Executive failure. I fear in the future, as in the past, that the congressional function will be to vote the declaration demanded and to follow it with conscription and the necessary funds to carry on the war. This is a function but it is a stretch of the imagination to characterize it as a representative function.

I can find no instance in our whole history when the Congress has refused the Executive a resolution declaring war when it has been asked of it; and I am apprehensive, Mr. President, that no such precedent will ever be established.

The demand to stand behind the Chief Executive, the pressure of party loyalty becomes almost insuperable in such a situation. Members of Congress may justify their conduct in the future as they have in the past, but I do not think it can be said that they will be acting in a representative capacity.

The PRESIDING OFFICER. The time of the Senator on the amendment has expired.

Mr. LA FOLLETTE. Then I will take time on the bill.

Mr. President, in these critical hours of the world's history, I think our concern should be to establish a closer contact between the people and their Government on the vital matter of war abroad. I hope the consideration of this proposal will not turn upon the question of the representative system but will more directly turn upon the merits or demerits of the basic proposal.

To preserve the democratic process we must buttress it and make it more effective. Nothing so discredits it as empty formalism. Let us not overlook the part that the political disillusionment following the last World War played in undermining faith in democracy in some other nations. In the chaotic economic and political situation prevailing in the world today, no one can foresee future developments, but I unhesitatingly assert that if another war should come to America it would not give anyone in this country what he wants. Modern war does not attain its announced objectives. Should we become involved in this European war, in my opinion the people of this country would be more deeply shocked and disillusioned by its result than they were after their tragic experience in the "war to end war" and "to make the world safe for democracy." Another war would bring catastrophe at home, and we might anticipate in the United States an attack upon the democratic system of proportions never before experienced.

Mr. President, this amendment would give the voters an opportunity to express themselves on the question of war abroad. If they should vote for it, they would have to accept the responsibility for the results, and thus we should protect our system of government from an effective, even though untrue, charge that a small group of public officials in the legislative and executive branches of the Government make the decision for war and produce the chain of miseries which are certain to follow.

Despite the misrepresentation which has been made in the press and elsewhere; despite the powerful opposition of a portion of the press; and despite the opposition of the administration, every poll of public opinion has shown a large majority of the people to be in favor of the basic idea involved in this amendment. It is a measure to make democ-

racy real on the supreme issue of foreign war, while at the same time completely protecting the Nation, its possessions, and the Western Hemisphere.

The amendment, if adopted, would not curtail the constitutional power of Congress to declare war. No legislative enactment could do that. It would not jeopardize the national defense of this Nation, or its territorial possessions, or of this hemisphere. The proposal comes down to a single and simple issue: Are we willing to give the people whose blood will be shed, whose homes will be broken, whose lives will be ruined, whose way of life and government may be permanently altered, the opportunity to advise the Congress whether they are for or against a declaration of war in instances not involving the defense of this country, our possessions, or this hemisphere?

Mr. President, democracy is on trial in this critical hour. I appeal to all Senators who have been expressing their devotion to democracy and to the objective of keeping the United States out of war to join in supporting this amendment.

Mr. President, I reserve the remainder of my time.

Mr. PITTMAN. Mr. President, there is no doubt that the purpose and intent of the Senator from Wisconsin appeal to every Senator. I think his great desire to avoid this country becoming involved in a foreign war is joined in by every Member of this body. However, he is asking us, not to endorse his views, but to vote for an amendment which he has drafted. I think it will readily occur to Senators that they are two different things.

If this amendment were referred to the Foreign Relations Committee or the Judiciary Committee, they would probably work on it for 2 weeks before having it in the form they wanted it.

Let us see whether or not it is in such form that Senators would want to vote either in the affirmative or the negative.

In the first place, a referendum election is to be held throughout the country. When is the election to be held? It is to be held when four Members of Congress say it shall be held. Four Members of Congress may call an election in the United States at any time. However, under the first subsection they may not call it if there is a threat of armed force against the United States or its territorial possessions, or a threat of armed force by any non-American nation against any country in the Western Hemisphere. If such threat exists, they may not call the election.

When do they call the election?

The national advisory election herein provided for shall be called whenever four or more members of the Board shall file with the Secretary of State of the United States a written demand therefor.

Of whom does the election board consist? It consists of the President of the Senate, three Senators, and three Representatives. Whenever the election board demands of the Secretary of State that he call an election throughout the country it shall be done. They may not call an election if there is a threat of attack on the United States. They may not call an election if there is a threat of attack against one of our possessions. They may not call an election if there is a threat of some foreign government against any country in this hemisphere. In what cases may they call an election?

Mr. LEE. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. LEE. Whose judgment is to determine whether or not there is a threat of attack?

Mr. PITTMAN. The judgment of four Members of Congress.

Mr. LEE. Might not their judgment be wrong, as was the judgment of some Senators in predicting a few months ago that there would be no war?

Mr. PITTMAN. It might be.

Let us go further. These four gentleman may call a great national election. How is that election to be conducted? This is the way it is to be conducted:

Every citizen of the United States qualified to vote according to the laws of the State of which he or she is a resident shall be entitled to vote at such election.

That is all right.

Such election shall be held and conducted under such rules and regulations as may be prescribed by the United States Referendum Election Board—

That is, the board of seven members, four of whom constitute a majority, are to determine how the election shall be held. How many Senators are willing now to subscribe to that proposal? Oh, yes; it goes a little further:

except that such election shall be by secret written ballot and shall be conducted as nearly as possible in accordance with the laws of the several States for the conduct of their respective State elections.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. McKELLAR. I know it is old-fashioned to ask such a question; but is there anything in the Constitution which provides that the Congress may pass such a law as that now proposed?

Mr. PITTMAN. I do not want to go into the constitutional question of the right of seven Members of Congress to conduct elections in the various States of the Union according to such rules and regulations as they desire.

The board may call an election any time four Members of Congress get together and say, "We ought to have an election." Conditions may be as peaceful as a spring day in the State of Wisconsin, and as far away from war; but there would be nothing in such a peaceful time to prevent the four men getting together and saying, "There is no threat of attack on the United States. We may not call an election if there is a threat of attack on the United States. There is no threat of attack against any of our possessions. We may not call an election if there is such a threatened attack. We may not call an election if there is a threat of attack on South America or Canada; but it is a nice, peaceful day, so let us call an election."

What would they submit to the people when they called the election? This is what they would submit:

The question to be submitted at the election shall be, Under existing conditions shall the United States go to war?

Mind you, they may not call an election if there is any threat of war against the United States or against any American country. There must be no threat of war against the United States by a foreign country or against South America by a foreign country.

To go further:

In conducting any such election the Board shall, so far as practicable, use the election officials and the polling places provided for by the laws of the several States.

I have read enough, Mr. President. The aim of the Senator is worthy of consideration, but he should not attempt to carry out such a vital proposal—and even such high ideals—by attempting in a hurried manner to develop some scheme such as the proposed amendment and asking the Senate of the United States to consider it at this hour, when we are attempting to bring to a conclusion the pending legislation, and when we all desire to get through with it and leave. He should not attempt to introduce a provision which would require the consideration of a committee for a considerable length of time, and which would call for much debate on the floor of this body.

Mr. BARKLEY. Mr. President, will the Senator yield to a question?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Kentucky?

Mr. PITTMAN. I yield.

Mr. BARKLEY. I agree fully with what the Senator has said about this matter. Suppose that this amendment should be adopted and there should be submitted to the people the formula or question provided by the amendment, which is, "Under existing conditions shall the United States go to war?" Suppose there was a referendum on a statement of conditions which were described as existing and the American people voted on that question based upon the existing conditions and voted one way or the other; or suppose they voted not to enter a war under the existing conditions; and suppose those conditions changed within 3

weeks after the vote taken by the American people; would it be necessary to hold another referendum to decide whether, under the changed conditions, we would go to war, or would the Congress still be trusted under the Constitution to determine whether or not we should go to war? How many referendums would it be necessary to take in the kaleidoscopic situation which exists in every war of any magnitude before Congress would know whether the American people had instructed it to vote to declare war under the conditions that existed at the time the vote was taken?

Mr. PITTMAN. I do not know what the Senator from Wisconsin has in mind, but certainly the proposal is so indefinite that the Senator from Nevada is unable to answer the questions of the Senator from Kentucky.

Mr. BYRNES. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from South Carolina?

Mr. PITTMAN. I yield.

Mr. BYRNES. Assuming that the referendum were held, and there was a large vote, say in 10 of the States, and a majority of the votes cast in the country were in favor of going to war, but two-thirds of the States voted against going to war and two-thirds of the Members of the Senate were opposed to going to war. Even if, as the Senator from Wisconsin has said, it would be an advisory election, would there not immediately arise the demand that Congress, as the agent of the people, should regard the vote of the entire voting population as mandatory and proceed to vote to go to war, even though two-thirds of the Senate were opposed to war? Does the Senator think that might happen?

Mr. PITTMAN. Oh, it is subject to that construction. I do not see any use in discussing a matter of this kind which indicates clearly that it involves a great many controversial questions besides the idea suggested by the Senator from Wisconsin. I do not think any of us know what is in the proposal.

Mr. CONNALLY. Mr. President, will the Senator yield for a question there?

Mr. PITTMAN. Let me read from the amendment first. This is the way it starts out:

Sec. —. (a) Except in case of attack by armed forces, actual or immediately threatened, upon the United States or its Territorial possessions, or by any non-American nation against any country in the Western Hemisphere—

Except in those cases—

a national advisory election shall be held in the several States upon the question of war or peace prior to any declaration of war by the Congress.

It seems that practically every chance of having an election has been eliminated, because if there is a threat of war against our country, an election cannot be called; if there is a threat of war against any country on the Western Hemisphere by any foreign country, an election cannot be called. When one would be called, I do not know. I now yield to the Senator from Texas.

Mr. CONNALLY. I will not interrupt the Senator now.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Washington?

Mr. PITTMAN. I yield.

Mr. SCHWELLENBACH. Assuming such a situation that every Member of Congress except four members of this board believed that there was an actual attack upon the United States by armed forces but the majority of the board insisted that there was no attack, and they did not agree with all the other Members of the Congress, the board then could call an election and have the question passed upon by the people? Would it not give four members of the board complete and absolute power to determine the question of election and also the question as to whether or not there was an attack or a threatened attack upon the United States?

Mr. PITTMAN. Oh, yes; the amendment would give absolute power to four Members of Congress. If every other Member of Congress except those four Members said, "There

is no use going to that expense, there is no threatened danger at all," the four Members could still call an election; or if every Member of the Congress except the four Members said, "There is an immediate threat of war against the United States," the four would not have to accept their judgment; they could still call an election and say there was no such a threat.

Mr. CLARK of Missouri. Mr. President, when I was a young fellow entering into the practice of law in Missouri I was familiar, as were others of us who had the experience of occasionally practicing in a justice court, as most of us had to do in working our way into the practice of the law, with the term "pettifogging." I must say, that in all my life I have never heard more suggestions of a pettifogging nature in so short a time than I have heard this afternoon upon this amendment. The suggestion has been made—

Mr. PITTMAN. Mr. President; just a moment, please.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. CLARK of Missouri. I yield.

Mr. PITTMAN. Before the Senator goes any further, I want to ask him if he includes my remarks in his statement.

Mr. CLARK of Missouri. I think some of the remarks of the Senator might be classed in that category, but I will withdraw the statement.

Mr. PITTMAN. No; the Senator will not withdraw it. He has a habit, in his conceit and vanity and lack of ethics, of indulging in such expressions. I want to have the pleasure of answering him.

Mr. CLARK of Missouri. I call the Senator to order for making personal remarks.

Mr. PITTMAN. I will take my seat, but I suppose the Senator does not think that he is pettifogging at all.

The PRESIDING OFFICER. Both Senators will take their seats.

Mr. LA FOLLETTE. Mr. President, I move that both Senators be permitted to proceed in order.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wisconsin.

The motion was agreed to.

Mr. PITTMAN. Mr. President, I have nothing more to say.

Mr. CLARK of Missouri. Mr. President, I call attention to the fact, without debating the merits of the amendment proposed by the Senator from Wisconsin adequately, that an effort has been made here to befog the issue by the most extreme conception of circumstances which could possibly arise, namely, the suggestion that four Members of the Congress alone, setting themselves against the will of all the other Members of the Congress, could call a special election of the country when there was no occasion for it. That is set up as against the requirement of the amendment that this country shall not be plunged into war except in case of an attack upon the United States or upon this hemisphere.

Mr. President, the real suggestion is not that this is any invasion of democracy in the United States but that it is too much of an invasion of the processes now involved in going to war without giving the democracy of this country an opportunity of expressing itself upon the question of the sacrifices they shall make.

Mr. President, what are the provisions of this amendment? The Senator from Nevada said a moment ago this board could not act in any case where there was a threat of war. The amendment says no such thing. I quote from the amendment:

Except in case of attack by armed forces, actually or immediately threatened, upon the United States or its territorial possessions, or by any non-American nation against any country in the Western Hemisphere, a national advisory election shall be held in the several States upon the question of war or peace prior to any declaration of war by the Congress.

That provision does not invade the constitutional authority of Congress to declare war if, in its wisdom, it wishes to do so; but this advisory vote from the people of the United States, considering the sacrifices which shall be made, the blood which shall be poured out, the treasure which shall be thrown away, simply affords the poor privilege to

the average citizen of the United States to express his opinion in a way which will not be subject to the question of who took the poll, of any question of bias as to the poll takers or the method by which it was taken. It simply affords an opportunity to the electorate of the United States to advise the Congress of the United States, who, after all, are only their servants and not their masters, as to their wishes, as to whether this country should be plunged into a war when they are not in danger of being immediately attacked.

Mr. GILLETTE. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield to the Senator from Iowa.

Mr. GILLETTE. I wish to interrogate the Senator as one who likes the substitute proposal. Does the Senator think that under the existing conditions there could be an intelligent expression of opinion on the part of the voting public upon the question "Shall the United States go to war?" without specifying where or with what country?

Mr. CLARK of Missouri. Mr. President, I do think so in general terms, although personally I should be glad to support an amendment to this amendment as to the formula. I am not completely satisfied with the formula; but as to the principle of the amendment I am entirely satisfied, and am in entire support of it. I certainly do not think the question is one as to which it can be assumed that the majority of the commission are just going out for a pastime on some summer afternoon, when no national crisis confronts the people of the United States and order an election for the fun of the thing. On the other hand, I do think the formula should be set up in such a way as most accurately to record the advisory opinion of the American people.

As I say, I am not by any means convinced that the formula set up for the submission of the question is perfect. I do believe, however, that the principle of this amendment would be vastly in the interest of the American people.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I am glad to yield to the Senator from New Mexico.

Mr. HATCH. The Senator from Missouri knows that the Senator from New Mexico has had quite an interest in this subject.

Mr. CLARK of Missouri. I am very familiar with that fact.

Mr. HATCH. And that the Senator from New Mexico conducted hearings on an amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Missouri, and several others. The Senator also knows that I disagree on the war referendum, and do not believe it is a question which should be submitted.

Mr. CLARK of Missouri. I have great respect for the Senator's opinion, and I am aware of the fact that he differs with some of us on that question.

Mr. HATCH. The thought which has been coming to my mind, though, while this discussion has been going on is this:

In view of the fact that a proposed amendment to the Constitution is now ready for action by the Senate, the committee having reported it to the Senate, and that there will be ample opportunity to discuss this very important question, in which so many sincere persons in the United States are interested on both sides, and that there is more likelihood of making a mistake in draftsmanship, if nothing else, in proceeding in the hurried manner in which we are now proceeding, would it not be better to withdraw the amendment at this time and discuss the whole subject when we come back here and can argue the question of a direct constitutional amendment? For, in effect, that is what this amounts to.

Mr. CLARK of Missouri. Mr. President, normally I should agree with what the Senator from New Mexico says, except for the fact that for years a great many of us have been struggling to obtain consideration for that constitutional amendment, and we have not been able to obtain consideration for it in the Congress.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I shall be glad to yield in just a moment. We are now considering a measure with regard to

a definite situation, I regret to say, because I do not believe neutrality laws should be considered with regard to definite situations; but the Congress today is considering a neutrality law with regard to a definite situation, and this is an amendment clearly within the limits of the Constitution. Therefore, to my mind, we should not deal with this subject at all without dealing with the possibility of the American people being plunged into war without having the opportunity to express at least an advisory opinion on the subject.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I gladly yield to the Senator from New Mexico.

Mr. HATCH. The Senator said he had been unable to obtain any consideration of the matter by Congress. I am not unmindful of the fact that the Senator from New Mexico, the Senator from Idaho [Mr. BORAH], and the Senator from Arkansas [Mr. MILLER] spent some 3 or 4 weeks of the last session of the present Congress in taking testimony as a subcommittee of the Judiciary Committee; and while we made a report adverse to the Senator's position, we made a report to the full committee. The full committee acted on the report and voted by 9 to 5 against the joint resolution; but in order that the Senator from Missouri and the other Senators might have their day in court they brought the joint resolution to the floor of the United States Senate, where it pends on the Calendar at this time, subject to being called up. That is what we did.

Mr. CLARK of Missouri. I should like the Senator from New Mexico to understand that I certainly am not criticizing the procedure in the Judiciary Committee; but, nevertheless, there has been a long fight over the question of a constitutional amendment, which has never been officially acted on by the Congress. Therefore, I say, having regard to the necessity for such action, as I see it, that I think since the proposed amendment to the Constitution has not been heretofore adopted, any measure within the Constitution not requiring an amendment to the Constitution ought to be considered in connection with the pending joint resolution.

Mr. HATCH. Mr. President, will the Senator yield for one more question? Then I shall not interrupt him any more.

Mr. CLARK of Missouri. I am glad to yield to the Senator from New Mexico.

Mr. HATCH. I am sure the Senator will agree with me that if this amendment should be adopted and become the law and should be obeyed, it would in effect amend the Constitution of the United States. Knowing the views of the Senator from Missouri on the Constitution, will he not also agree with me that if the Constitution is to be amended it should be amended in a constitutional way?

Mr. CLARK of Missouri. Mr. President, I agree with the conclusion of the Senator from New Mexico, but I by no means agree with his premise. In other words, I agree that if the Constitution is to be amended at all, it should be amended in accordance with the orderly processes set up by the Constitution; but I certainly by no means agree that such an amendment as this, providing for a national referendum opinion, not to be binding on the Congress or the President, is an invasion of constitutional process.

Mr. BYRNES. Mr. President—

Mr. CLARK of Missouri. I yield to the Senator from South Carolina.

Mr. BYRNES. In perfect good faith, does not the Senator think there is considerable to the suggestion of the Senator from New Mexico [Mr. HATCH]?

On the question of time provided in the amendment, without any filibuster the Senate for more than a month has been endeavoring to arrive at a conclusion upon the issues presented by the joint resolution reported from the Foreign Relations Committee; yet this amendment would require or make possible the submission by this Board to 130,000,000 people for discussion and conclusion upon their part, upon 15 days' notice, the all-important question of going to war.

Mr. CLARK of Missouri. That, again, is entirely a matter of detail. If the Senator thinks the time is too short, he can

very readily offer an amendment to the amendment. After all, the time within which the election is to be held is a matter of detail.

Mr. BYRNES. In line with the suggestion of the Senator from New Mexico, and just because of that question, does not the Senator from Missouri believe this important question ought to be carefully considered at a time when we may determine, if it is to be done, how much time should be allowed for holding such an election, and other matters of that kind?

Mr. CLARK of Missouri. Mr. President, there is merit in what is said by the Senator from South Carolina; but what I am afraid of is a situation which might suddenly develop at some time as I saw it develop once before, very shortly after the people of the United States had solemnly decided an election on the question of "He kept us out of war." Within a few months, the session of the Congress having expired, the Congress was suddenly called together on 10 days' notice for the purpose of hearing a recommendation from the President of the United States for a declaration of war; and I am not in the least criticizing the President of the United States for what he saw fit to do on that occasion.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I shall be glad to yield to the Senator from Kentucky in just a moment. On 10 days' notice the Congress of the United States was called into extraordinary session for the purpose of voting on the question of whether we should go into war; and within 5 months after a great party had elected a great President upon the issue of keeping out of war, we were fighting in a "war to end war."

The PRESIDING OFFICER. Does the Senator from Missouri now yield to the Senator from Kentucky?

Mr. CLARK of Missouri. I yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, it has been repeatedly stated, not only in this debate but ever since 1917, that the issue involved in the election of 1916, in which President Wilson was reelected, was the fact that he had kept us out of war.

I think it should be stated, and I do not think the statement is subject to contradiction, that at no time in that campaign did President Wilson ever advance the argument that he had kept us out of war; but a good many of his advocates did make that suggestion, which was the truth. He had kept us out of war for 2½ years; but it was after his election that the conditions were completely changed by the order for unrestricted submarine warfare on the part of the Imperial German Government, which made it necessary for Congress to deal with a situation that formerly did not exist.

Mr. CLARK of Missouri. Mr. President, I have stated that I am not in any degree whatever criticizing ex-President Wilson for any course he took. I mention the matter in connection with a suggestion of the Senator from South Carolina that 15 days is too short a time for the American people to make up their minds as to whether they want to have a war or not. I call attention to the fact that in the case of the World War the responsibility was devolved upon the representatives of the American people within 10 days, as I recall, to decide whether or not we should have peace or war.

Mr. THOMAS of Utah. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. CLARK of Missouri. I shall be glad to yield to the Senator if he will just let me pursue my remarks a moment. My time is limited. How much time have I left on the amendment, Mr. President?

The PRESIDING OFFICER. The Senator from Missouri has 3 minutes left.

Mr. CLARK of Missouri. I reserve the remainder of my time.

Mr. CONNALLY. Mr. President, I shall detain the Senate for only a short time, but some matters have been injected into the debate to which I think reply should be made.

The Senator from Missouri brings up the old issue of the campaign of 1916 and the reference to Woodrow Wilson keeping us out of war, and the declaration of war of 1917.

I submit to the Senate and to every man in Washington the question of whether or not the country was back of the war declaration in 1917. The people of the United States more than President Wilson forced the Congress to take action with regard to the World War; and if we had had a referendum, as proposed in the pending amendment, the people of the United States would have voted to get into the World War a year or two before the Congress of the United States finally put us into the war.

I challenge anyone to call attention to a single instance in which the Congress of the United States has ever declared war when the people of the United States were not backing the declaration. Congress is more conservative with regard to getting into war than are the people of the United States. Senators and Representatives know that we are not going to vote for a war, any kind of a war, anywhere, until we think the people of the United States want the war, and want it badly.

There is much talk about this referendum. Of course, it is an assault on the representative principle. If we, as a House of Representatives and a Senate, have not sense enough to legislate on whether we are to go to war or not, we have not sense enough to legislate on anything else. Why not submit everything to a vote of the people?

Whenever the Congress speaks, it is not our voice, it is the voice of the people of the United States. We are representing the people; we are their Senators. I have the highest respect for the people of the United States, God bless them. If it were not for the people of the United States none of us would be here. [Laughter.] The people of the United States are responsible for the Senator from Missouri being here; they are responsible for the Senator from Idaho being here; and when they sent them here they sent them here to act as Senators, not manikins, not Edgar Bergens. [Laughter.] They sent them here to use their judgment.

Mr. BARKLEY rose.

The PRESIDING OFFICER. The Chair will permit the Senator from Texas to make the amendment. [Laughter.]

Mr. CONNALLY. Mr. President, I desire to make the correction the Chair has in mind. Instead of Edgar Bergen I should have said Charlie McCarthy. I looked over at my leader for inspiration and he nodded, and I thought he meant it was Edgar Bergen. [Laughter.]

Mr. BARKLEY. I knew Charlie McCarthy's name was not Edgar, and I thought when the Senator said "Edgar" he meant Bergen. [Laughter.]

Mr. CONNALLY. Mr. President, the people sent us here to act as Senators, and not as manikins. Someone will say this is showing disrespect for the will of the people. No; it is not. Talk about a referendum. We get a referendum in the Senate every morning. When we go to our offices, when we open our mail, when we wait for the telegraph boy, when we go to the long-distance telephone, when we mingle with our people at home, we are having a referendum, not every 7 or 8 or 10 years, as under the proposed amendment, but we are having a referendum every day in the year, and if Senators are honest and patriotic they want to represent the views of the people, unless the people are absolutely wrong.

If I were opposed to our country going to war, did not believe it was to the interests of this country to go to war, if I were big enough and had courage enough I would say, "No," even if the people of my State did vote for a war. Would not the Senator from Missouri do likewise?

Mr. CLARK of Missouri. I hope so.

Mr. CONNALLY. Exactly. But they want this referendum. What would it do? Suppose we submitted this question to a vote. Congress would be waiting. Congress, we will assume, is going to consider the war question when we get to it. But let us submit it to the people on 15 days' notice. Every radio in the country would be throbbing with the voice of the sympathizers of some nation concerned, and the radio across the street would be throbbing with the sentiments of the sympathizers and the descendants of the people of the other nation, and instead of having war abroad, we would probably have one here at home before we got through. [Laughter.]

Mr. President, if this is sound legislation, if this is sound governmental theory, if this is sound constitutionalism, if this is sound representative government, then let us do away with representative government and go back to the old Greek system of going out and calling the people all in and bringing them in Government trucks to a public meeting place and having a lot of heated speeches and then vote them down with a steam-roller process and go ahead.

I have respect for the people, and every time they go to the ballot box and express themselves, every time they elect a Representative or a Senator, they are electing something more than a suit of clothes and a hard-boiled shirt; they are electing someone they think at least has brains and courage and integrity, and is willing to discuss and consider the question of war and peace.

We have been here a month considering this joint resolution, not as important as deciding the question of war. The Senate of the United States cannot settle it in less than a month, but the proposal is to have 130,000,000 people settle a question about which they have not sufficient information, and make them vote for a war or against one in 15 days.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. BYRNES. The Senator's question as to the people having sufficient information causes me to ask this question: Is any provision made by which the Government would make known to the people of this Nation before they vote whether or not the Government is ready to go to war? Before they vote that we shall go to war, should we not inform them as to the status of our national defense?

Mr. CONNALLY. Exactly; I was just coming to that. I thank the Senator, and I shall try to arrive at the point directly.

Consider England and France. People complained about their action a year ago in regard to Czechoslovakia, and many people said, "England was not ready." If the English people had voted to go to war, England probably would have gotten into the war and been licked very quickly.

The point I was making when I said they did not have sufficient information was this: If Congress acts in these matters, it has committees to gather the information needed, the Secretary of State and his ambassadors all over the world will be sending us information. We do not put it all in the papers. We would not put it in the papers so that the enemy could find it out.

We have military attachés in foreign countries, supposed to tell us about the navies and the armies of the people who are going to fight. We cannot put all these things in the papers. But the Congress can find out about them, the committees can find out about them, those who are charged with the responsibility of voting can find out about them. How would the people find out about those things?

Another thing is that we do not want to declare war until we are ready. We want to know where our armed forces are, what amount of war materials we have already stored up, how many airplanes we have, all about our infantry and artillery and chemical warfare. We want to know where the Navy is, and how many ships we have, and where they are located. We do not want to declare war until we get them located in the right spot, ready to fight.

Mr. BARKLEY. Mr. President, will the Senator from Texas yield?

Mr. CONNALLY. I yield.

Mr. BARKLEY. Under the proposed amendment, section 1 (a), it is provided:

Except in case of attack by armed forces, actual or immediately threatened, upon the United States.

What does it mean by "the United States"? Does that mean the territory of the United States, that an army has to be landed somewhere in the United States, or is about to be landed? What does it mean? If we have to wait until an army is landed or is about to be landed for an attack on the United States before we hold an election, the army could get to Washington and burn the Capitol again before the people could vote on whether we would have a war or not.

Mr. CONNALLY. I thank the Senator. The language is:

Except in case of attack by armed forces, actual or immediately threatened, upon the United States or its Territorial possessions.

Mr. BARKLEY. I suppose, however, that would be a pettifogging argument, but, at the same time, it is possible.

Mr. CONNALLY. Sometimes pettifogging is better than just fogging. [Laughter.] I thank the Senator for the interruption.

That first sentence is only an exception, however. But suppose the enemy sinks one of the American ships halfway to Europe, 1,500 miles out in the ocean, one of our warships, if you please, without any declaration of war; that would not be an attack on the United States or its Territorial possessions.

Mr. BARKLEY. Mr. President, if the Senator will yield, I was going to ask him whether under the amendment it might be proper for some nation to drive our commerce from the seven seas, provided it did not involve attack on territory of the United States; would that still be a cause for war, or a referendum?

Mr. CONNALLY. They could call for a referendum in that situation, I think. [Laughter.] But while they were fooling around with the referendum all the ships might disappear.

Mr. President, if this is so sound for a foreign war, why is it not good for a domestic war? Is there anything more sacred about a war abroad than one here; and if the people should pass on going into a foreign war, why should they not pass on going to war right here at home?

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. CLARK of Missouri. I should like to suggest to the Senator that if the people of the United States, rather than the politicians, had had a chance to pass on the War between the States—the Civil War, as it is called—we possibly would never have had that great calamity befall the people of this country.

Mr. CONNALLY. The Senator knows more about that than I do. I was not here. [Laughter.] According to this amendment, however, that would not have been covered. This amendment would not have covered the War between the States, I am sure.

Mr. President, suppose there was an election. The question to be submitted to the electorate would be:

Under existing conditions shall the United States go to war?

Suppose we had a referendum yesterday on the question Shall the United States go to war? Then the question would arise, and someone would say, "Well, they did not say against whom we are to go to war, whether against England or against Germany. We must have another referendum now to decide whether the people meant that we should go to war against Germany, or that we should go to war against England, or against what country we should go to war." So, Mr. President, under this proposal all that can be done is to go out and shoot anybody you meet. [Laughter.]

Mr. President, in all seriousness, there is pending a resolution to amend the Constitution so as to provide for a referendum on the question of war. While I do not favor the proposal, I do say that it is being considered; it has been before the Judiciary Committee; we have had extensive hearings on it. The way to amend the Constitution is to do so in the manner provided under the Constitution, and not to go around and come in at the back door. That is what the proposed amendment attempts to do. It is an attempt to amend the Constitution by subterfuge, and by circumlocution, and by crawling in by the back stairs when you could come in the front door under the Constitution by amending the Constitution.

Mr. President, if this is not an attack on the right which resides in the Congress, and in no one else, to declare war, what is it? It is a limitation of that authority. It is a weakening of that authority. It is a striking from the Congress of some of its powers. The purpose of this referendum is to coerce the Congress, to make it take certain action,

to take away from Congress the right to declare war, or not declare war, according to our best lights, according to our conscience, according to our patriotism. Its purpose is to take away from Congress that power and put it somewhere else.

Mr. President, the people trust us if only we trust ourselves. The people do trust us or we would not be here. Shall we show the people that we have no confidence in our own integrity, in our own character, in our own intelligence, and our own patriotism, and say "No, this is a mean question. I wash my hands of it. You go out and decide this." That is what Pilate said to the mob when he tried Christ. He said, "I find no fault with this Man," but he said he did not want to have anything to do with trying Him. He did not want that responsibility. He said, "I wash my hands of the matter."

Mr. President, we were elected to assume these responsibilities. We held up our hands and swore we would assume them. One of these responsibilities is to decide whether, and how, and when, the United States shall go to war or not go to war.

Mr. President, I for one am not prepared to say to my people, "I do not have the nerve, I do not have the courage, I do not have the intelligence or the patriotism, or the sense of responsibility to discharge the duty which you gave into my keeping under the Constitution."

Mr. President, the Constitution does not belong to us. It belongs to the people, and their power, which is in the Constitution, rests there because the people put it there. I shall not take it away until it is taken away under the Constitution in a constitutional manner.

Mr. THOMAS of Utah. Mr. President, that which I am going to say will sound very tame after the speeches which have been delivered, but it happens that the people have a way under the Constitution of expressing themselves if that is their desire. Whenever the people decide that they want a war referendum they will get it. The war-referendum proposal has now been before the people of the United States for at least a generation. It has been debated. There is a method under the Constitution which has never been used, which could be used, and if there was any desire on the part of the people of the United States to avail themselves of this power there would have been an expression of that desire by now. In public debate there have been expressions concerning the matter.

Under the amending article of the Constitution there is this provision, which has never been used, and it is well that we know that it is there because probably, if it is ever used, we will say that the fathers anticipated that the people at some time wanted to take these powers into their own hands. I read from article V of the Constitution, which, of course, everyone present knows by heart:

Or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments.

Mr. President, if there had been any will in the minds of the American people in the last 20 years to show a desire to have a referendum in regard to war, applications would have come from the States, and we would have heard about them in the proper way.

I trust that when the amendment comes before us it will be discussed properly. I would not have said anything about it at this time if it had not been for the fact that the problem is of such vast importance that the arguments which have been used are hardly in any way equal to the problem itself.

Mr. FRAZIER. Mr. President, whatever may be said about the amendment offered by the Senator from Wisconsin, the principle is right. It represents pure democracy. It is all well and good for Members to rise and make fun of it, or to ridicule other measures to which they happen to be opposed, but nevertheless the principle of the amendment is right. If there are changes needed in the method of applying it, well and good. They can be provided by amendment. Laws have been amended from time to time to make them workable. The amendment proposed by the Senator from Wisconsin is on the right track. There is nothing

more democratic than to put to the people themselves the question of whether their country shall or shall not engage in war. When the question of becoming involved in a foreign war arises, the people are entitled to decide what shall be done.

Mr. President, it is argued that we should amend the Constitution. We have tried to do so, but a few powerful committees have blocked action on the part of those who wanted to bring the question before Congress and put it to the people, and therefore we have not been able to bring the question before Congress for action. We have not been able to obtain a vote on it. But I believe the time will come when we shall have in the Congress a vote on the question, whether by referendum the people shall decide whether or not war should be declared.

Furthermore, a proposition of this kind to provide for a referendum vote on the question of a foreign war will be a real step in the direction of world peace. It will be an example for other nations, and, I believe, it will be a good example. I am convinced that if the people of England or the people of France had been able to vote on the question of whether or not they wished to go to war, they would have voted against war.

Mr. BARKLEY. How about the people of Germany?

Mr. FRAZIER. I think they also would probably have voted against it had they been given the opportunity to vote. The situation in Germany is a little different because of the dictatorship existing there and the fear on the part of the people perhaps.

Mr. BARKLEY. Does the Senator think that, regardless of the fact that every other nation in the world can declare war on us over night, we should wait until we have an election before we could declare war on a nation that made war on us?

Mr. FRAZIER. Mr. President, that is hardly a fair question. There is nothing in the pending amendment which provides for anything like that or makes any insinuation of anything like that. It is a childish, schoolboy question which, it seems to me, should not be asked in a situation of this kind, when we are considering an important question.

Mr. BARKLEY. Mr. President, I admit that the Senator is well qualified to pass upon childish, schoolboy questions—

Mr. FRAZIER. I am, Mr. President, because I used to teach school.

Mr. BARKLEY. As a matter of fact, it is not a childish, schoolboy question, because if we should adopt this amendment we would be placing ourselves in such a situation that we could become the victims of any nation in the world without recourse to any such methods as they have to decide whether we should make war.

Mr. FRAZIER. Mr. President, I cannot agree with that argument. I cannot read anything in this amendment which might justify a statement of that kind. But, Mr. President, it seems to me that if we will adopt the amendment we will take a step in the right direction. I believe it should be adopted. Give the people a chance to vote on important questions of this kind. Nothing could be more democratic than doing that. It is an expression of real democracy to let the people themselves decide on questions involving war. We should have more democracy instead of less of it.

Mr. NORRIS. Mr. President, in opposing the adoption of the proposed amendment and in criticizing it I wish to say to begin with that in drafting, it seems to me, the Senator from Wisconsin has done it as well as it could possibly have been done. I do not believe, however, that there is sufficient ingenuity in any man, no matter how wise he may be, to draw a provision of this kind and have it free from difficulties which it seems to me are fatal. I think the Senator from Wisconsin has come as near doing so as it is possible to come. So when I criticize the amendment, Mr. President, it is in no sense on the theory that I think the amendment might be improved. Perhaps it could be; but I shall not consider it in that light.

Let us see what it is. If the amendment should be agreed to, then four men would have it in their power to say whether

or not a referendum should be held. It would not be Congress; it would not be the Senate and the House, but four men who are Members of the Senate and the House.

Mr. President, I ought to say before proceeding further that I believe in the principle of the referendum. I fought for it from the very beginning when it was proposed. It has its usefulness. I think it is one of the fundamental things that a free people ought to have in any case in which it is practicable.

Four or more members of the board, consisting of three Members of the Senate and three Members of the House, presided over by the Vice President of the United States, who shall have no vote except in case of a tie, would have this matter submitted to them.

I think many Members of the Senate were originally under the impression that the Senate and the House would decide on the referendum any time it might be invoked. But not so. If we should adopt this amendment we would delegate our authority to four men. Is that practicable? Does the reasonable and patriotic man, however opposed he may be to war, believe that it is the practicable thing to do?

What kind of an election would be held? The board would call the election; and the amendment provides that in carrying out the election the board shall consult with the Governors or State officers, and with officials of cities and municipalities.

The election would cover the entire United States. There are 48 States in which elections would be held, and no 2 of them have exactly the same laws. The board must negotiate with the Governors and with city and municipal officials to carry the proposed law into effect. Is it practicable? Can it be done? Are there 4 men under God's sun with sufficient wisdom satisfactorily to carry out the provisions of the amendment? There are not, Mr. President; and we know it.

It seems to me that if we reason this thing out, down in our hearts and in our brains we can come to no other conclusion than that we shall be following a will-o'-the-wisp if we put the proposed law on the statute books.

Illegal voting would be penalized. Probably men would be sent to jail for illegal voting. How would that be done? Then it would be necessary to pay all the election officials who participate in the holding of the election. It is impossible, Mr. President.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. NORRIS. I prefer not to yield, because my time is limited, and I wish to reserve some of it.

Mr. President, what would the board do? Would it write to the Governors of the States and to city and municipal authorities and say, "We are going to have an election. Help us carry out the election. Every citizen who is a voter is entitled to vote."

Suppose someone who is not a citizen should present himself and desire to vote. Suppose a German, a Briton, or a Hollander should come to the polling place and want to vote; would he be permitted to vote? Suppose he should vote? Would he be punished for it? No; not under the proposed amendment. I do not see how it is possible to regulate such matters.

Mr. President, that is not all. I assert as emphatically as I can that if the amendment should be agreed to and should be followed by Congress—and I think it is conceded that we ought to follow it if we enact it—it would be impossible for Congress to declare war until after a referendum was held.

The first subsection says that except in case of attack on the United States or American possessions—

A national advisory election shall be held in the several States upon the question of war or peace prior to any declaration of war by the Congress.

What does that mean? If Senators and Members of the House were to obey such a law they could not carry out their constitutional prerogatives until the referendum had been held under the conditions I have outlined.

I confess that if I were drawing such an amendment I could not improve on it. I am not trying to find fault with the draftsman or the author of it. He was simply confronted by an impossibility.

I know, Mr. President, that it is very easy to say that we abhor the terrible conditions brought about by war. That statement always obtains a hearing. But, as I see it, that has nothing whatever to do with the amendment. I agree with all the black pictures of war that have been so eloquently painted by the Senator from Wisconsin [Mr. LA FOLLETTE]. I agree with every word of his description; and I am just as anxious as he or anybody can be to eliminate war. But I want to be practical. I am bound in my own conscience and brain, small as it is, to follow the light that God has given me. I believe it is a fantasy, an illusion, that we can surmount the obstacle by submitting to the people the question of embarking on war.

Mr. President, it has been said that history repeats itself, and that when we provided in our Constitution that a law could not be enacted until Congress, representing the people, had declared it, that was a great victory for the people and for human liberty. I agree to that, every word of it. Other countries declared war through the heads of their governments. Ours could not do so until the representatives of the people took action. At first, only Members of the House were elected directly by the people. After the amendment to the Constitution Senators were directly elected by the people. That was a great victory. The Constitution at present comes as near as we can make it come to letting the people decide this question. We cannot come any nearer to it.

Much has been said about the World War and our declaration. I approach that subject with much hesitancy, fear, and trembling, because to me it is not one of the bright pictures of this country. It is not one of the bright spots in the history of the American people. It seems to me it is one of the darkest spots in my own life. However, I then saw the reverse of what is being attempted today by this referendum amendment. I cannot prove my next statement, of course. It may not be true; but after going through that experience, the hell, the damnation of those terrible, agonizing, and bitter days, I have reached the conclusion that if Congress had followed the dictates of its own conscience no war would have been declared.

Mr. President, I saw men in the Senate and in the House trembling under the burden that was upon them. Many of them talked privately with me and said, "I wish I dared vote against this damnable resolution." When I asked, "Why not vote against it?" the answer invariably came, "My people are unanimous for this resolution."

I think my people were practically unanimous. If there had been a referendum then, in my opinion, 95 percent of the voters would have voted for war.

There is a vast difference between casting a vote in a ballot box and casting a vote in the Senate, where we represent the lives, the happiness, and the comforts of millions of people. Should a reckless man with responsibility and he becomes a different individual. He then has a responsibility that sobers him. He must reason things out. For that reason the vote of a Senator is vastly different from the vote of the ordinary citizen who goes to the ballot box and casts his vote. We have the blood of our people resting upon us. We are thinking in a broader sense than we would think if we were in an election booth. We are different men.

Some say that Senators and Members of the other House should have the courage of their convictions and vote against war, regardless of the opinion of those who send them here, while others say that they ought to follow as nearly as they can—which they could do if a referendum was held—the wishes of their constituents. I concede, Mr. President, that on some questions the votes of our constituents ought to determine our votes; on other questions, involving principle, we ought to have convictions of our own. If we do not have, we are not worthy to sit in this Chamber. When the blood of my countrymen and the lives of men and women are at stake and in my hands, even if every man, woman, and child rose up en masse and said, "We want you to vote for a declaration of war," if I believed, in my heart, that a declaration of war would be wrong, I would vote against it. I did that once, and I am ready to do it again.

But I do not want my people or your people, Mr. President, in 15 days' time, or longer, if it were desired to make the period longer, to pass on the momentous question of how I shall vote. It seems to me that we should look into our own hearts and our own souls, apply our own reasoning faculties and our own brains, and not try to evade the responsibility.

Mr. President, if we will do that we will stay out of war many times when, because of a sudden eruption of feeling of some kind, which it would be difficult to explain, our people, with a mad rush, might go over the chasm into the depths of the agony and misery of a terrible war.

It seems to me, Mr. President, if we want to be practical, we cannot escape the constitutional responsibility of passing upon such questions ourselves, and we should not try to do so. We know what may happen in almost a moment's time. When the Maine was blown up, people all over the country rose up the next day demanding war. When the Lusitania was sunk, there was aroused an awful feeling of resentment, which rose to the boiling point, and people throughout the United States said, "Let us go to war." We ought to give sober thought to the decision of such a question. We ought not to be taken off our feet by some emotional excitement which may occur any day and which has occurred in the past many times almost without a moment's notice.

Therefore, giving full credit as I do to those who favor this amendment, in my heart I cannot find it possible to support it. I sympathize with its proponents; I am just as much opposed as they are to the terrible miseries of war. My heart goes out in sympathy when they, in eloquent language, tell of the suffering and torment which are always incident to modern war. This amendment will not remedy that; we cannot remedy it in this way. I have no remedy to offer except to plead with my comrades in the House and in the Senate to keep on an even keel and follow their reason.

The PRESIDING OFFICER. The time of the Senator from Nebraska on the amendment has expired. He has full time on the joint resolution if he desires to occupy it.

Mr. WILEY. Mr. President, I shall take but a few moments of the time of the Senate. I have listened with a great deal of pleasure to the distinguished Senator from Nebraska [Mr. NORRIS], and I am sure we all agree with his sentiments. I have likewise listened with pleasure to my colleague [Mr. LA FOLLETTE], and I am sure that we agree with the high ideals expressed by him.

Mr. President, it seems to me that the proper way to approach the problem which has been suggested by the pending amendment is by an amendment to the Constitution of the United States. In May last I introduced a joint resolution providing for such an amendment. I wish to read into the RECORD the identical language of that joint resolution, for it is very short:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by conventions in three-fourths of the several States:

This is not the usual suggested amendment that has been before Congress for the last 10 or 15 years; it is different—

ARTICLE —

SECTION 1. The Congress shall have power to declare war when the United States or any of its Territories or possessions have been invaded, or are in immediate danger of invasion, and when any part of the Western Hemisphere has been invaded by, or is in immediate danger of invasion by, the forces of any non-American nation, and shall have power to declare war in other cases only if a majority of those persons voting in a national referendum held in such manner as the Congress shall by law provide shall vote in favor of such declaration of war.

It would be a double check, because the vote of the people would constitute one check and the vote of Congress would constitute a second check.

Congress could not vote for war unless a referendum vote of the people authorized them to do so.

On the other hand, according to the terms of my resolution—which differs in this respect from all previous resolu-

tions—the vote of the people for war would not force Congress to vote for war. It would be an authorization for Congress to vote for war, but it would not be mandatory. It would be mandatory on Congress only when the referendum was against war.

It is thus apparent that my resolution adds another desirable and vital check on the dogs of war and adds another obstacle to a hastily and ill-considered declaration of war. It is vital that the American people be given a voice in determining whether they shall go to war. It is equally vital that the declaration of war be made as difficult as possible.

My proposed constitutional amendment satisfies both these requirements, and it is the only proposal for a war-referendum amendment that does so. For this reason, I favor my war-referendum resolution over the pending amendment of my colleague to the measure now under consideration.

Mr. President, as suggested by my colleague, we need checks on the dogs of war. At the time the Constitution was framed, when there was taken away from the Executive, where it had been lodged for ages past, the power to make war, and that power was put in the hands of the representatives of the people, a step forward was taken. The men who wrote that article of the Constitution said, "We have put a check on the dogs of war." When I introduced the joint resolution to amend the Constitution of the United States which I have read, I felt that if it were adopted it would put a double check on the dogs of war.

I believe it is unfortunate to offer to the pending joint resolution the amendment which has been presented. I believe the subject should be approached by an amendment to the Constitution, but that the people themselves should have a direct say whether or not they want to adopt this new process or new method of procedure when it comes to resorting to the arbitrament of arms.

Mr. McKELLAR. Mr. President, I will detain the Senate for only a moment. I wish to call attention to the fact that not only does the author of the pending amendment [Mr. LA FOLLETTE], for whom I have the sincerest affection and the greatest admiration, think that this is an unconstitutional proposal, but he has so stated to the Senate of the United States. I wish to read, therefore, Senate Joint Resolution 270, introduced in this body on February 25, 1938. I read:

By Mr. La Follette (for himself, Mr. Bone, Mr. Capper, Mr. Clark, Mr. Donahay, Mr. Frazier, Mr. Hitchcock, Mr. Lundeen, Mr. Murray, Mr. Nye, Mr. Shipstead, and Mr. Wheeler).

January 5 (calendar day, February 25), 1938. Read twice and referred to the Committee on the Judiciary.

I digress sufficiently long to say that if the amendment now proposed was not then thought to be unconstitutional by the distinguished Senator, I do not see why this joint resolution should have been introduced.

He would not have sought to change the Constitution if he had thought the situation could have been such by a simple act of Congress. If his amendment was unconstitutional on February 25, 1938, it is unconstitutional now. I think it was unconstitutional then and equally unconstitutional now.

Joint resolution proposing an amendment to the Constitution of the United States for a referendum on war

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States:

Here is the resolution, and I call attention to the very great resemblance it bears to the amendment which is now before the Senate. The real and substantial part of it is exactly the same as the proposed amendment now offered by the Senator from Wisconsin:

ARTICLE —

SECTION 1. Except in case of attack by armed forces, actual or immediately threatened, upon the United States or its territorial possessions, or by any non-American nation against any country in the Western Hemisphere, the people shall have the sole power by a national referendum to declare war or to engage in warfare over-

seas. Congress, when it deems a national crisis to exist in conformance with this article, shall by concurrent resolution refer the question to the people.

SEC. 2. Congress shall by law provide for the enforcement of this section.

SEC. 3. This article shall become operative when ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. McKELLAR. Yes.

Mr. CLARK of Missouri. I do not wish unduly to invade the Senator's time; I know he is speaking under a time limit.

Mr. McKELLAR. I intend to take but a few moments.

Mr. CLARK of Missouri. But if the Senator will permit me, let me say that I joined in the introduction of that joint resolution proposing a constitutional amendment. I was for it when I joined in its introduction; I am for it now; I should like to see it written into the fundamental law of the United States in such a way that no Congress could disregard it; in such a way that it would not be advisory but mandatory upon the Congress of the United States. But, failing under our constitutional processes, of being able to do that at that time, in connection with this measure, I want to do the very next best thing and adopt the amendment which is now proposed by the Senator from Wisconsin, providing for an advisory opinion from the American electorate to their representatives in Congress.

Mr. McKELLAR. I am not saying anything about the merits of the joint resolution which I have read; I might vote for it when it comes up as a constitutional amendment; but I say to the Senator from Missouri and the other Senators who were named as having introduced the joint resolution to amend the Constitution of the United States that they certainly would not have wanted to present it unless they thought that a legislative proposal to the same effect would be unconstitutional.

They then, by introducing the constitutional amendment, admitted that their present proposal is unconstitutional. This joint resolution means the same thing, or virtually the same thing. Almost the identical language is used. I believe most of us in this body know that Congress only has the right under the Constitution to declare war. It will take a constitutional amendment to change that provision of the Constitution, and it ought not to be put on this joint resolution. We have no right to legislate until the Constitution is amended.

One other matter, and I am through. I find that my distinguished friend the senior Senator from North Dakota [Mr. FRAZIER]—who serves on my committee, and for whom I also have the greatest admiration and affection—introduced on January 4 of this year a joint resolution proposing an amendment to the Constitution of the United States, reading as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. War for any purpose shall be illegal, and neither the United States nor any State, Territory, association, or person subject to its jurisdiction shall prepare for, declare, engage in, or carry on war or other armed conflict, expedition, invasion, or undertaking within or without the United States, nor shall any funds be raised, appropriated, or expended for such purpose.

"SEC. 2. All provisions of the Constitution and of the articles in addition thereto and amendment thereof which are in conflict with or inconsistent with this article are hereby rendered null and void and of no effect.

"SEC. 3. The Congress shall have power to enact appropriate legislation to give effect to this article."

That shows what the Senator from North Dakota then thought about the matter. I do not agree to that view.

I desire to say that it seems to me most of those who are in favor of this amendment are Senators who heretofore, by their own acts, have stated that in their judgment the Constitution does not now provide for such a referendum, and

therefore they undertook to amend the Constitution. As I said a few moments ago to the Senator from Nevada [Mr. PITTMAN], I am one of the old-fashioned persons who believe that when I stand up and raise my hand to Almighty God and take an oath to defend and protect the Constitution of the United States, I should be guided by that oath.

I say again I do not know what I may do when the constitutional amendment providing for a referendum to the people before declaring war may come before the Senate. That amendment has much to commend it. If a proper and workable measure is developed, I may vote for it, for I would, indeed, make it more difficult to go into war, and especially a foreign war. But I believe the amendment proposed to this bill is unconstitutional and I cannot vote for it.

Mr. HATCH. Mr. President, I merely desire to put in the RECORD at this time the letters of the Secretary of State and the Secretary of War which were submitted to the Committee on the Judiciary during the consideration of the constitutional amendment. I ask permission that they may be inserted in full in the body of the RECORD at this point as a part of my remarks.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

MAY 16, 1939.

MY DEAR SENATOR HATCH: I refer to your letter of May 5, 1939, regarding Senate Joint Resolution 84, proposing an amendment to the Constitution of the United States for a referendum on war.

When a similar proposal was receiving consideration in December 1937, I stated to the press that "from the standpoint of promoting peace and keeping this country out of war, I am unable to see either the wisdom or practicability of this proposal." Further reflection on the subject has confirmed me in the view I expressed at that time.

The statesmen who founded this Government were acutely aware of the paramount importance of keeping our Nation out of war. They concluded that this purpose would best be accomplished by vesting in the representatives of the people the power to declare war.

In my opinion, the experience of a century and a half has proved the wisdom of the statesmen who established our representative form of government.

The preservation of peace is the cornerstone of the foreign policy of the United States. I am convinced that the present constitutional provision, under which the power to declare war rests with the Congress, is far more satisfactory from the standpoint of keeping the Nation out of war than would be the plan contemplated in the proposed amendment. It is my belief that this plan would seriously impair the ability of the Government to safeguard the peace of our people.

Referring to your suggestion that I might desire to appear before the subcommittee of the Senate Judiciary Committee during hearings on S. J. Res. 84, that course seems unnecessary as my attitude toward the proposition under consideration is set forth in this letter. However, you may be sure that I appreciate your courtesy in offering me an opportunity to appear during the hearings.

Sincerely yours,

CORDELL HULL.

WAR DEPARTMENT,
Washington, June 9, 1939.

HON. CARL A. HATCH,
Chairman, Subcommittee of the Committee on the Judiciary, United States Senate.

DEAR SENATOR HATCH: Further reference is made to your letter of May 5, 1939, concerning Senate Joint Resolution 84, proposing an amendment to the Constitution providing for a referendum on war. Reference is also made to my letter of recent date, which stated that a written statement of my views on the subject legislation would be submitted.

Careful consideration and study of Senate Joint Resolution 84 convinced me that the adoption of a constitutional amendment as set forth in that resolution would materially hamper and restrict the War Department in carrying out its primary mission of defending the United States and its possessions, and might in some cases even jeopardize the successful accomplishment of that mission and thus result in a national disaster. Accordingly, the War Department is opposed to the enactment of Senate Joint Resolution 84.

This proposed legislation, with report thereon, was submitted to the Bureau of the Budget, which reports that there would be no objection to the submission of this unfavorable report to the committee.

Sincerely yours,

HARRY H. WOODRING,
Secretary of War.

Mr. HATCH. Mr. President, I also happen to observe, on the same page with the documents to which I have referred, a statement in short form on the general issues which I think very pertinently describes many of the reasons why a measure providing for a war referendum should not pass. I ask permission that it also may be inserted in the RECORD at this point as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

STATEMENT OF NATIONAL LEAGUE OF WOMEN VOTERS, WASHINGTON, D. C.

Opposition to war-referendum legislation was voted by the Council of the National League of Women Voters, meeting in Washington April 25-27, 1939. Since 1923 the league has been concerned with study of the causes of war and possible cures. Members of the league have concentrated in the last few years on the study of the conduct of foreign policy by the United States, the respective responsibilities of the Executive and the Congress in the conduct of foreign affairs, and of possible legislative safeguards against involvement in war. The action of the council, a representative body of the league, is an accurate statement of the sentiment of the membership of the organization and a logical development from the total experience of the league, not only in the study of foreign policy but in its activity in the whole field of government.

Disagreement between those groups advocating delegation to the people of the decision on a declaration of war and those who oppose such a move comes on method for achieving an objective, not on the objective. There are always efforts to solve difficult problems by an easy formula, when they can only be permanently solved by continuous, earnest, and tolerant effort. To members of the League of Women Voters the proposal to delegate to the people the final decision on a foreign war comes into this category of too easy formulas for difficult problems.

In the day-by-day, year-by-year conduct of the relations between the United States and other countries is found the only adequate safeguard of this country. War situations do not develop overnight; they brew over a long period of time. It is probably inevitable that the Executive and the Congress will occasionally err in making these daily decisions. The tariff policy of the United States after the World War; racial discrimination in immigration laws; refusal to assume international responsibility commensurate with the inescapable influence of the United States on world affairs have been contributing factors to the present war situation. The existence of a war referendum would not have affected these decisions. Neither would anyone admit or believe that these decisions were meant as war-provoking ones. Yet proponents of the war-referendum proposal argue that the existence of such a measure would deter the Government from pursuing a policy leading toward war, assuming that it is always possible to know without question whether a policy is war-provoking or in the direction of peace. Until the people of this country are willing and prepared to take into account effects of national actions on the international situation, to subordinate their special immediate interests to the long-term public interest, this Nation will continue to contribute to international situations that may lead to war. When war exists in the world, keeping this country out will not be accomplished by a mere repetition of "We want to stay out of war" or reliance on a vote of the people, but on the day-to-day conduct of foreign policy.

It has been pointed out in the hearings on this proposal that it does not take away from the power of Congress but simply shares this power with the people. Shared responsibility frequently leads to failure on the part of one or both of the groups concerned to make decisions with sufficient seriousness. Dictatorships have developed through the failure of legislative bodies to meet situations that confronted them. Detracting from the responsibility of the legislative body weakens it; it is a disservice to representative democracy.

Proponents of the war referendum claim that it would be more difficult to stampede the whole citizenry into a war than it would be to stampede Congress. This argument is based on the assumption that the elected representatives of the people are indifferent to the welfare of the country and tends to undermine the confidence of the people in their Government at a time when fear and hysteria are especially dangerous. History fails to show that such distrust is warranted. Proponents argue that the necessity for referring to final decision to the people would act as a check on the conduct of foreign policy. Opponents argue that it would encourage aggressor nations, thus making more certain the eventual outbreak and spread of war which would jeopardize the security of this country.

In conclusion, the war-referendum proposal offers no sure and certain safeguard against the involvement of this country in a foreign war. There is grave danger that through the lessening of the responsibility of the legislative body and through the false sense of safety that a war-referendum measure might give to large groups of people the chances for involvement in a foreign war would actually be increased.

Mr. BORAH. Mr. President, as a member of the Judiciary Committee, which at the last session had under consideration a constitutional amendment providing for a referendum on

war, we gave considerable time to the subject and had able persons appear before us to discuss it. We had very little trouble or difference of view with reference to the principle involved, but we were unable to agree upon a method by which the principle we favored could be put into practice or made effective in its administrative terms.

I think the question is a very difficult one to solve. I am frank to say that I have not been able to solve it, although I have given very considerable attention to it.

To write a constitutional amendment which would fit into the exigencies of war and enable the people to pass upon the question under the different circumstances and conditions under which war arises, I think anyone will find, once he sets his mind to it, is a most difficult undertaking.

But, Mr. President, I think the Senator from Wisconsin [Mr. LA FOLLETTE] is dealing with a vital problem. It is well to bring up for consideration whenever practicable. I cannot escape the conviction that progress toward peace means that we ought to bring the question of war or peace closer to the people. I think if anything has been well demonstrated during recent years, it is that the people have had too little to say about whether or not a war should be waged. You may say what you please, but the fact is that people do not want war. The President once declared the people do not want war.

It is now almost an established fact, well supported by historians, that the World War was brought on through the manipulation and scheming of less than 25 men. The people had nothing to do with it. As one great writer upon the subject—Lord Lorburn, I believe, said—the people were brought up to the precipice without knowledge of the real facts, and then were pushed over the precipice. It seems to me some way must be devised by which the people may be brought into fuller knowledge and closer contact with the conditions and the facts which lead up to war. They should have greater control. But the practical machinery for doing that is the great difficulty. We might destroy the principle itself by failing to provide a proper method for its execution.

In my opinion at the present time the peoples who live in the countries which are engaged or are about to engage in war are not desirous of war, and I venture to believe that if they could be heard in an effective way, or if public opinion could be permitted to have sway, the conditions in Europe would be wholly changed.

It was asked a while ago if that would be true in Germany. It would not be true in Germany, I suspect, under the present machinery, because the voice of the people would be controlled by that machinery; but from what I am told by persons who have traveled in Germany and those who are familiar with the situation, the German people are not anxious for war. They are not desirous of being in war; and I presume that was thought to be true by Great Britain when she spent so much time in distributing leaflets over Germany.

I doubt if any of the people engaged in this war, if permitted to have a voice in the matter, would be in any sense in favor of the war which is now raging, or which at least is in contemplation of being carried on.

So I think the subject is one to which we ought to give our attention; and the difficulty really is in finding a practical method or a workable scheme by which to put into operation the principle to which I have referred.

I confess that in my efforts, as I have said, I have not been able to determine what that method should be. Therefore, as much as I sympathize with the effort of the able Senator from Wisconsin and as highly as I regard his noble effort in pursuing this matter to the utmost, I am unable at this time to cast my vote for the amendment.

I do not feel that I would be candid with the people who are anxious to have something done if I should do that which I thought was not practical in carrying out their wishes. I feel like encouraging just such things as have happened here this afternoon, led on by the Senator from Wisconsin [Mr. LA FOLLETTE]. This question must be discussed, and it must

be considered. If there is any practical way by which to bring the people closer to the question of war, it is one of the great problems which we should undertake to solve, and I hope we may solve it.

Mr. LA FOLLETTE. Mr. President, I wish to say just a few words before the vote is taken.

In response to the statements made by the distinguished chairman of the Committee on Foreign Relations, the Senator from Nevada [Mr. PITTMAN], concerning the occasions upon which an advisory election would be held, it may be said that his constant iteration and reiteration of the language in the first section of the amendment only serve to emphasize the fact that, in drawing the amendment, it was provided that the only occasion upon which an advisory election would be held was in case this country were contemplating a declaration of war involving an overseas expeditionary action against some foreign power.

Much has been made of the fact, in the debate, that the amendment would give power into the hands of a board to call an election. If we are to assume that those charged with responsibility are going to act in an unreasonable manner in connection with nearly every important piece of legislation which the Congress enacts, in fact, in the power which the Congress itself has been given by the Constitution, there have been created opportunities for destroying this very Government itself.

Mr. President, I think that in considering any piece of legislation, including any amendment, it must be assumed that those who are charged with its administration are going to act in a sane and a reasonable and an honorable manner. Otherwise, as I stated a moment ago, it would be impossible to frame a single piece of legislation and pass it through this body.

Much also has been made of the fact that there is pending on the calendar a constitutional amendment providing for a referendum on war. That amendment is entirely different in principle from the one now before the Senate. That amendment proposes to take away from Congress by constitutional amendment the power to declare an overseas war until the people have registered their will at an election. The pending proposal provides only, as I view it, for an advisory referendum, which Congress may or may not decide to follow. Therefore, I do not think it is an argument in point to contend that because there is a constitutional amendment pending, predicated upon an entirely different principle, this amendment is therefore not worthy of consideration.

It has been stated that the 15-day period provided for in the amendment is too short a time for the people of the United States to make up their minds upon such an important decision. I have only this to say, that if the time ever comes when Congress is considering a declaration of war, and the people of the United States are given an opportunity to vote in an advisory referendum, by the time the referendum is held the people of the country will have all the information which the newspapers, the radio, the administration, and Members of Congress can bring to them.

It is perfectly absurd, to take the position that Members of Congress, in this day and age, have superior information of great importance which is not available to the general electorate. As a Member of this body I have served on the Committee on Foreign Relations for a number of years, and I have repeatedly stated publicly that I had, as a result of such membership, no more information on foreign affairs as a member of that committee than any person who reads a well-edited newspaper in the United States from day to day. There is a lot of "eye wash" given out to the general public about the superior information which Members of Congress possess with regard to foreign relations.

It has been suggested that it would be unfortunate if the people of the United States were to participate in such an advisory election and would have to listen to the radio and the arguments which might be made pro and con upon the issue of peace or war. Have not the people of the United States been listening to the arguments pro and con upon every single important issue since radio came into existence?

If there are any Senators present in this body today who are laboring under the delusion that if the Congress ever takes under consideration a resolution to declare war in the future, the people of the United States will not be hearing both sides of the question argued at great length on the radio, I wish to say that they will be sadly disillusioned when the time comes.

Mr. President, if there is ever an occasion in this country again to consider the question of a declaration of war by Congress, every citizen of the United States will have heard all of the arguments pro and con upon that proposition before a vote can ever be brought about in both Houses of the Congress of the United States.

So if Senators vote down this amendment, they will not, in that eventuality, have prevented the people of the United States from hearing all the arguments and obtaining all the information and from coming to a conclusion as to what is for the best interests of their beloved country. All that will have been done will be to have denied them, in the last analysis, the right officially and effectively to express their views.

Mr. President, it may bring laughter on the floor of the United States Senate from representatives of the people here from the several States, it may amuse Senators to hear this fundamental democratic idea ridiculed, and I hope the Record will go out to the country with every single occasion of laughter that occurred during the time this proposition was being ridiculed indicated, for I say to my colleagues in all good spirit on the floor of the Senate today, that they cannot successfully, by ridicule, bury the inherent desire of the men and women, citizens of this country, to have some effective opportunity to express their opinion upon the most important, the supreme issue and decision which can come in the life of any generation of people. This will not be the last time this issue will have to be faced by this body, and I am just as confident as that I am standing here in this place this afternoon that ultimately the people of this country will obtain for themselves an effective voice in expressing their opinion, upon the question of whether or not their sons shall die in an expeditionary offensive war on foreign soil.

Mr. President, on this question I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. SHIPSTEAD (when his name was called). I transfer my pair with the Senator from Virginia [Mr. GLASS] to the Senator from Washington [Mr. BONE], and will vote. I vote "yea."

The roll call was concluded.

Mr. MINTON. The senior Senator from Washington [Mr. BONE], and the senior Senator from Virginia [Mr. GLASS], are absent from the Senate on account of illness.

The senior Senator from Arizona [Mr. ASHURST] is detained by illness in his family.

The Senator from New Mexico [Mr. CHAVEZ] is absent on official business.

The result was announced—yeas 17, nays 73, as follows:

YEAS—17			
Bilbo	Donahey	La Follette	Walsh
Bulow	Downey	Lundeen	Wheeler
Capper	Frazier	Nye	
Clark, Idaho	Holt	Overton	
Clark, Mo.	Johnson, Calif.	Shipstead	
NAYS—73			
Adams	Gerry	McCarran	Slattery
Andrews	Gibson	McKellar	Smathers
Austin	Gillette	McNary	Smith
Ballie	Green	Maloney	Stewart
Bankhead	Guffey	Mead	Taft
Barbour	Gurney	Miller	Thomas, Okla.
Barkley	Hale	Minton	Thomas, Utah
Borah	Harrison	Murray	Tobey
Brown	Hatch	Neely	Townsend
Burke	Hayden	Norris	Truman
Byrd	Herring	O'Mahoney	Tydings
Byrnes	Hill	Pepper	Vandenberg
Caraway	Holman	Pittman	Van Nuys
Chandler	Hughes	Radcliffe	Wagner
Connally	Johnson, Colo.	Reynolds	White
Danaher	King	Russell	Wiley
Davis	Lee	Schwartz	
Ellender	Lodge	Schwellenbach	
George	Lucas	Sheppard	

NOT VOTING—6

Ashurst Bridges Glass Reed
 Bone Chavez

So Mr. LA FOLLETTE's amendment to the committee amendment in the nature of a substitute was rejected.

Mr. AUSTIN. Mr. President, I offer an amendment which I send to the desk and ask to have read.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. BARKLEY. A number of Senators have asked whether it is the purpose to sit continuously this evening until this measure is finally disposed of. I have no way of knowing how many more amendments will be offered; I hope not many; but I feel it my duty to advise the Senate that it is our purpose to sit here continuously until this measure is finally voted upon and disposed of tonight.

Mr. AUSTIN. Mr. President, I ask that my amendment be read.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Vermont to the committee amendment.

The CHIEF CLERK. At the end of the joint resolution it is proposed to insert the following new section:

Sec. —. Whenever all proclamations issued under the authority of section 1 (a) shall have been revoked, this joint resolution shall have no further force or effect; but offenses committed and penalties, forfeitures, or liabilities incurred under this joint resolution while it was in force and effect may be prosecuted and punished, and suits and proceedings for violations of such joint resolution or of any rule or regulation issued pursuant thereto may be commenced and prosecuted, in the same manner and with the same effect as if such joint resolution were still in force and effect.

Mr. AUSTIN. Mr. President, this amendment represents a certain school of thought. It is far more important than it appears to be on its face. The amendment represents a fundamental theory. If the joint resolution should be amended, as I propose, and then became a law, it would operate upon conditions that we can see today, and those further conditions that we cannot visualize, but which may happen during war proclaimed to exist, and thereupon this law would cease to operate. It would be entirely finished, it would have performed its whole purpose and function, and as a Government, as a sovereignty, we would return to the position we were in before this law was passed.

Some of my colleagues very kindly called my attention to the fact that there are now in the joint resolution provisions for the termination of the application of the law upon the termination of the war. That is quite another thing, Mr. President, from what I propose. Senators will observe that under the provisions—and there are several of them—which would bring to a close the effect of sections 2, 3, 5, and other sections relating to vessels at sea and to the change of title of goods, and to the hindrance of travel by persons, the section referred to by them in each case shall cease to apply. In certain sections they shall cease to apply to the States named in the proclamation, and in others it is provided that the sections shall cease to apply. But that does not mean that the law will not stand on the statute books, to come automatically into effect upon the proclamation of the President, and it really comes into effect upon the proclamation of the President, because that must always occur under the pending joint resolution.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. CLARK of Missouri. I dislike to interrupt the Senator's remarks. If I correctly understand the Senator's amendment, it is to change the nature of the whole legislation proposed by the joint resolution from a permanent law, attempting to establish a permanent neutrality function, to an act applying only to this particular situation.

Mr. AUSTIN. Mr. President, that is absolutely correct.

Mr. CLARK of Missouri. I thank the Senator for his frankness. He is presenting an issue which is entitled to be settled by the Congress, as to whether we should legislate

permanently on the subject of neutrality, or should attempt to legislate with regard to each particular situation.

Mr. AUSTIN. Mr. President, that is it. I think my colleagues know that from the very beginning, when we first started out upon the effort to say what we would do as a sovereignty in the event of war, I have been opposed to it on the ground that no legislators can be sufficiently wise to forecast and visualize the circumstances so that they may in advance ascertain what the interests of the United States may be in some future disturbance in the world that amounts to war. We were not able to do it when we enacted the prior legislation.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. AUSTIN. I will yield in just a moment.

The existing law operates entirely differently than its sponsors designed it to operate. It was proposed as a neutrality measure, and we now find that it is operating unequally and is not a neutral law. So we go about to change it to adapt it to the known and existing circumstances.

In passing let me call attention to the fact that since we started out upon this type of legislation 71 different proposals have been made in the Congress toward the same objective. Of those proposals, some 49 are now on the calendar of the Committee on Foreign Relations of the United States Senate. This fact is brought to the attention of the Senate merely to emphasize something which is almost axiomatic, and that is that we cannot possibly conceive and devise a statute that will be sufficiently wise and all-embracing in its conception to fit the circumstances that may confront us without our further activity and without our taking any voluntary position.

I now yield to the Senator from Washington.

Mr. SCHWELLENBACH. I do not wish to be overly technical, but I should like to call the Senator's attention to the first provision of his amendment, which reads:

Whenever all proclamations issued under the authority of section 1 (a) shall have been revoked—

And so forth. I am wondering if that language is sufficiently definite. In view of the repeal section of the proposed statute, which repeals the 1935 and 1937 acts, there is a question in my mind whether or not it will be necessary for the President to issue a new proclamation after the passage of the joint resolution, if it should pass. The language of the Senator's amendment is indefinite.

Whenever all proclamations issued under the authority of section 1 (a) shall have been revoked.

It does not seem to me it fixes any definite time. If the other theory is correct, it might be that the act would never become operative.

Mr. AUSTIN. Mr. President, I concur in the doubts about the accuracy and precision of that particular paragraph; but I feel very firmly persuaded that a new proclamation will be necessary if the joint resolution should become a law, because the joint resolution is founded upon something more than the recognition of the existence of war. There must be found the further fact that this sort of hindrance of the commerce of America is necessary as a proper element of national defense. That is the heart of this measure. That is one of the fine, new, different things in this proposal which makes it superior to the existing law. It has no pretense on its face of being a neutrality measure. It represents itself—to me, at any rate—as a pure measure of national defense.

Assuming either that it is a measure whose sponsors believe it to be an act for neutrality or whether it be that which I think it is—for national defense—in either case I do not want it left on the statute books as an act to be applied in an improper way and against the interests of the United States, and perhaps to its great danger, at some time in the future. Suppose, for example, that Germany should declare war on Colombia, a South American state, a Latin-American nation, and we should find our Monroe Doctrine infringed. We should then find our actual, real self-defense invaded and

endangered. I do not want an old statute coming up like a ghost, as the existing law today has been presented to us, to stand in the way of our taking the proper action adapted to the new circumstances.

There is not a person within the sound of my voice who is not aware that it has been constantly reiterated that we must not adapt our law to the new conditions because that would be changing the rules of the game after the game had started. Whether or not there is merit in that contention, we can remove that claim of estoppel by having the act expire when its purposes shall have been accomplished. Then as a sovereign Nation we shall be free to take such position as we ought to take with respect to the interest of the United States. Then in truth we shall be independent and free to assume a new position in international affairs if we think wise, and if it is best for the welfare of the United States.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield to the Senator from Idaho.

Mr. BORAH. I understand it is the desire of the Senator to terminate the existence of the law as soon as the European war is over.

Mr. AUSTIN. Whenever the President shall make a proclamation that the conditions which put the law into effect have ended. The amendment provides—and this answers the Senator's question:

Whenever all proclamations issued under the authority of section 1 (a) shall have been revoked, this joint resolution shall have no further force or effect.

Mr. BORAH. The President issues his proclamation on the basis that a war exists between certain nations. I take it the effect of the Senator's amendment—I think that is his desire—would be to terminate the existence of this legislation when the conditions which called it into existence shall have ceased to exist.

Mr. AUSTIN. Mr. President, that might be true, and it might not be true.

Mr. BORAH. What I am trying to do is to ascertain what would be the real effect of the amendment. When would it go into operation? The amendment reads:

Whenever all proclamations issued under the authority of section 1 (a) shall have been revoked.

Suppose the President should not revoke his proclamations?

Mr. AUSTIN. I have just read to the Senator from Idaho the simple language that when the original proclamation is revoked by a second one—

Mr. BORAH. Suppose he should not revoke it?

Mr. AUSTIN. Then the law would continue.

Mr. BORAH. In other words, the Senator is basing the entire effect of his amendment upon the question of proclamations, and what the President may do by way of proclamation.

Mr. AUSTIN. Of course, that is what puts the law into effect; and that is the only thing that can make it ineffective. We shall be in no different condition whether we have my amendment or not, if we are to assume such an absurd possibility as that the President will put the five different embargoes contained in the joint resolution into effect by proclamation, and then leave them in effect permanently. I cannot imagine such a situation.

Mr. BORAH. I confess it is an absurd idea; but I derived it from reading the Senator's amendment.

Mr. AUSTIN. Mr. President, I am sorry the Senator from Idaho gleaned such an idea. I am not apprehensive that that is the meaning of it in any sense.

Mr. BORAH. I have found that other Senators take the same view.

Mr. AUSTIN. I suppose the Senator can express his views in various ways; and if he has an amendment which he thinks will improve the situation, I shall be glad to consider it.

Mr. BORAH. I should be glad to consider an amendment to repeal the law just as soon as it can be repealed.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. AUSTIN. I will yield once more, and then I must finish.

Mr. PEPPER. I was interested in the query propounded a few moments ago by the Senator from Missouri [Mr. CLARK]. Of course, the Senator from Vermont is aware of the fact that there is already a provision in the joint resolution providing that if the proclamations issued under section 1 (a) were revoked, then the exceptions under sections (f), (g), and (h) would expire of their own force.

Mr. AUSTIN. No, Mr. President. Let me call the Senator's attention to the fact that he has misinterpreted the language of the joint resolution. All the joint resolution provides is that it shall "cease to apply with respect to such state." In some sections that is true, and in other sections it shall "cease to apply."

Mr. PEPPER. I beg the Senator's pardon. I am referring to the following language:

Whenever all proclamations issued under the authority of section 1 (a) shall have been revoked the provisions of sections (f), (g), (h), and (i) shall expire.

As I understand, that provision was adopted a few moments ago. I can well understand that the Senator might be concerned about the inapplicability of the proposed statute to a war in the Pacific, because the joint resolution allows us to send our ships to the Orient, to New Zealand, to Australia, and other territory in the Pacific Ocean. However, I wonder if the Senator would consider the fundamentals of the joint resolution—that is to say, that our ships shall not go into the combat area in any case and shall not carry goods or passengers to belligerent powers in any case, which is an excellent permanent policy for the United States to assume in any war.

Mr. AUSTIN. Mr. President, I could not understand all the distinguished Senator said.

Mr. NORRIS. Mr. President, I ask the Chair to maintain order.

The PRESIDING OFFICER. The Chair is trying his best to maintain order. The Chair asks Senators, and asks the occupants of the galleries, to cooperate with the Chair. The Senator from Kentucky has stated that it is the purpose to finish the consideration of the joint resolution tonight. The sooner Senators cooperate and cease conversation in the Senate Chamber, the sooner we shall finish.

Mr. AUSTIN. Mr. President, from what I could understand I interpreted the inquiry to be whether I realized that already an amendment has been adopted which would render void certain subparagraphs of the joint resolution—(f), (g), (h), and (i). Is that correct?

Mr. PEPPER. That is correct.

Mr. AUSTIN. Yes; I realize that; and, so far as that goes, that is very satisfactory. That, however, does not go to the point I am trying to make, which is that we should not, figuratively speaking, tie the hands of the United States behind its back. We should not weaken its sovereignty. We should not cripple it in any way. In my opinion, it is just as bad as a matter of public policy and as a matter of principle for us to hamper the power of the United States by a statute as it is to do so by an alliance. The effect is exactly the same.

We observed the distinguished Senator from Missouri [Mr. CLARK] presenting here some time ago—I think about 2 years ago—a resolution to advise the President to terminate the treaties which tied the hands of the United States behind its back with respect to its power over embargo for the purpose of enabling the Congress to pass embargoes against the shipment of arms, ammunition, and so forth.

I might favor that proposal at some time and under some circumstances which I could clearly see, as I do favor here and now the five different embargoes in the pending proposal.

This joint resolution contains embargoes against our having anything whatever American on the high seas in combat areas. No American materials or commodities can

be in commerce on the high seas between United States ports and the ports of a belligerent, or between United States ports and the ports of a neutral, if they must pass through the combat areas. I am in favor of that because of circumstances I know about today, and I would readily act in accord with the spirit of the resolution of the distinguished Senator from Missouri; but what I want to do is to have the slate clear, and have us take the first step first, and stand before all the world and stand in history and on the record as a neutral nation. That is the way I should like to start, at least.

If we had our statutes cleared away, if statutes that were particularly applied to an existing condition today went out of existence at the termination of the events which excited them, we should then be back again to our independent and free position as a great Nation.

The PRESIDING OFFICER. The time of the Senator from Vermont on the amendment has expired.

Mr. AUSTIN. May I have time on the joint resolution, please?

The PRESIDING OFFICER. The Senator is recognized on the joint resolution.

Mr. AUSTIN. I do not intend to weary Senators with a long debate.

Mr. OVERTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Louisiana?

Mr. AUSTIN. I yield to the Senator.

Mr. OVERTON. Is it the Senator's view that there are many provisions in the pending joint resolution which would not be applicable in the event of another major war between different countries than the one now raging?

Mr. AUSTIN. Mr. President, the question answers itself in the affirmative. Of course. How can we today devise a law which assumes that the President will prescribe—in fact, proscribe—the North Atlantic, proscribe American vessels from the North Atlantic, in some future war which may be in the South Pacific Ocean? There are many details in the proposed law which I should want to see altered if changing circumstances required it, but why be embarrassed by this particular law in another consideration by and by as we have been embarrassed in this extraordinary session of Congress by the existing statute?

Mr. OVERTON. Mr. President, may I ask the Senator another question?

Mr. AUSTIN. Yes; I yield.

Mr. OVERTON. Is it the Senator's idea that when this joint resolution shall die by limitation in the event his amendment is adopted, and the world is at peace, or at least when there is no major war, Congress shall then again set itself to the task of enacting neutrality legislation?

Mr. AUSTIN. I do not know whether or not Congress would pass another neutrality act. It might see fit not to do so, but it would be free to do so.

Mr. OVERTON. Is it the Senator's view that it is better to enact neutrality legislation in times of peace rather than in times of war?

Mr. AUSTIN. No; that makes no difference whatever.

Let us assume that we had enacted this joint resolution at the last session of Congress. I think it is a great fallacy to say that it would have been less partisan. In those days we knew as well as we know today what our interest as a nation was. We knew then that it was necessary for us to increase our defensive weapons, spiritually and materially, and we went about doing it. Why? Because the world was afire; because we knew what was going on in Europe, and anticipated what has since happened, and if we had acted then we would have acted in the light of that knowledge, and our act would have been just as significant as it is today.

Mr. BARKLEY. Mr. President, I do not want to take up the Senator's time.

Mr. AUSTIN. I yield.

Mr. BARKLEY. If the Senator does not wish to yield, I will not interrupt him.

Mr. AUSTIN. I yield.

Mr. BARKLEY. Under the pending joint resolution, no matter where a war breaks out, if it is of sufficient magnitude to endanger our peace and the lives of our people the President is required to issue a proclamation naming the countries. I do not see any harm in having that permanent law, no matter where the war might be anywhere in the world; and when such a proclamation is issued our ships then would not be permitted to go into the ports of belligerents, nor would our citizens be permitted to travel on belligerent ships.

I see no objection to that being permanent law; but if the Senator's amendment should be adopted, and this law should automatically terminate at the conclusion of this particular war, and another war should break out in the same region or anywhere in the world of sufficient magnitude to involve our peace and the lives of our citizens, while we were spending from 4 to 6 weeks again in passing another law dealing with that particular war our ships and our commerce and our citizens would have a right to go into the war zones, to go into the regions of danger, and thereby, before we could enact another law, possibly drag us into controversies that might lead to war.

Mr. AUSTIN. Mr. President, that is the same argument which has been made here against our legislating today. I put no faith at all in it. As I have said time and again, I think the act of ours of voting up or voting down the pending joint resolution will not have the effect of taking us into war, and will not constitute a step toward war. If we cannot stop taking that position here, I think we are unable to recognize our own ability.

Mr. BARKLEY. One more question and I will not ask the Senator to yield further.

Mr. AUSTIN. I yield.

Mr. BARKLEY. Would not the adoption of the Senator's amendment or any amendment making this law terminate in toto at the end of the present European war give color to the argument that, after all, this is a war measure designed to deal with a single war and to give some advantage to a single set of belligerents?

Mr. AUSTIN. Yes, Mr. President; that is one of the meanings it would have, but the meaning spoken of by the distinguished leader of the majority is only a secondary meaning. The primary meaning of this measure is that we regard it as necessary for our national defense. That is the primary consideration. We regard it as important to our security and our peace that we keep the battle line on the other side of the Atlantic Ocean, and not have it reach over here; but I am not going into a long argument about that subject. I want to call attention to two or three other objectives of my amendment.

Mr. THOMAS of Utah. Mr. President, I wonder if the Senator will yield to me for just one question.

Mr. AUSTIN. Yes; I yield.

Mr. THOMAS of Utah. I want to support the amendment. I believe in the philosophy the Senator from Vermont has enunciated; but there is one provision in the pending resolution which is permanent. Section 12 sets up the National Munitions Control Board, a board which acts during peacetime. It acts when there is no neutrality legislation. Therefore, I ask if the Senator would not be willing to make an exception as to section 12.

Mr. AUSTIN. Mr. President, I would not. I think it would destroy the effect of the great principle which I have offered this amendment to present to the Congress and to the people of the United States; and, what is more, I say "no" for another reason: That is, it is not necessary to keep that particular paragraph in the measure. The old Espionage Act of 1917 provides for a similar board; and if this act should become functus officio, the act of 1917 would still be continuously in operation. We have been working under it for some time. We would not be left without supervision over the exportation of arms, ammunition, and implements of warfare if this measure should terminate.

In the interest of our peace it still would be necessary for the exporter to obtain a license through the Secretary of

State, the Secretary of War, and the Secretary of the Navy before he could export any of these things to a foreign country, in peacetime as well as in wartime.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. AUSTIN. Yes; I yield.

Mr. NORRIS. I dislike to interrupt the Senator, because I know his time is dwindling; but I should like to ask him if this matter is worthy of consideration, or what he thinks the legal effect would be.

Would the adoption of the Senator's amendment eventually, after the repeal of the entire act, if it should become a law, have the effect of reinstating the present Embargo Act which this measure repeals?

Mr. AUSTIN. Mr. President, I believe not. Of course, that can be nothing but an opinion.

Mr. NORRIS. I was wondering about that. I agree with the Senator, but I confess I cannot help having some doubt about it. Would it not be wise for the Senator to provide in his amendment that this act shall terminate, excepting that line which is the repealer?

Mr. AUSTIN. I do not want to put any exceptions in this amendment, for the reason I have already mentioned.

Let me make this observation in answer to the question of the distinguished Senator from Nebraska: The repeal of the act of 1937 and the act of 1935 becomes effective if and when this joint resolution is approved by the President of the United States. Those two acts will be ended, they will be finished, by that approval. Then this joint resolution, we will assume, will be the law; and it will continue the law until the President proclaims that the state of war has ended, and revokes his former proclamation. That finishes, as I see it, the operation of this joint resolution.

Mr. WALSH. Mr. President—

Mr. AUSTIN. I yield to the Senator from Massachusetts.

Mr. WALSH. Did I correctly understand the Senator to say that the passage of this joint resolution is in the interest of our national defense?

Mr. AUSTIN. Yes; I suppose the Senator did so understand.

Mr. WALSH. May I assume from that statement that the Senator takes the position which others take that by passing this joint resolution and furnishing arms, ammunition, and implements of war to some of the belligerents we are keeping the war away from home?

Mr. AUSTIN. Yes.

Mr. WALSH. That is the Senator's position.

Mr. AUSTIN. Particularly regarding France and England.

Mr. WALSH. My position is well known. The pending resolution tends to remove the spirit of the true, genuine neutrality for which I think my country should stand. I cannot conceive of anything that would so label this country as completely unneutral as making a complete declaration of taking open sides. By providing for the repeal of the arms embargo provision of this act in the midst of the war and at the same time providing for the termination of the law at the end of the war, this would make the measure a special law applicable to the present war and remove it from the claim of a general neutrality policy by our Government.

Mr. AUSTIN. Very well. I accord the distinguished Senator from Massachusetts not only the right to take that position, and to hold those views, but to express them, and of course to vote for them. My idea is that if his claim is correct, and if it is true that this proposed law constitutes in effect an alliance, if he wishes to go as far as that and say that it constitutes an alliance with Britain and France, then by all means attach my amendment to the joint resolution, because it would render only temporary that alliance, it would render temporary that which by the joint resolution would be permanent if my amendment shall not be adopted.

My proposal is traditionally American, it rests on the rock bottom of the principle of neutrality and of our traditional attitude of independence, though not isolation. It is in full accord with Washington's enunciation of the principle and in full accord with Jefferson's enunciation of it.

I wish to say in closing that it was quite apparent in the Farewell Address of George Washington that he did want our country to depend upon temporary alliances, according to the need of the occasion as it might be, but he believed that our true policy should be to steer clear of permanent alliances with any portion of the earth. He said this about temporary alliances, and it fits the case today:

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Mr. President, if any man undertakes to place me in the attitude of favoring a temporary alliance with any nation, he is taking the wrong position. I have clearly explained on two or three different occasions that my position with respect to the pending legislation and my support of it are based on the idea of affording defense of American principles and of American lives and of American peace, and that I believed that the success of the Allies was necessary for us to avoid fighting on this side of the Atlantic, in order that we might preserve our security and our peace.

It has never been my position that I was for these results because I wanted to have the United States ally itself with Britain and France, either temporarily or permanently, and, of course, those who undertake to put me in that position, those on the Senate floor who try to do so, must do it with full knowledge that it is strictly in opposition to what I have declared here; and I do not believe any man will doubt my word.

Mr. President, I offer the amendment to remove the illusion of an estoppel so that we may tackle the job the next time free from the illusions caused by an existing so-called neutrality act. I offer it so that we may avoid partisanship that is permanent, and avoid such a charge before all the world. I offer it so that we can end the very great discretionary powers, which are delegated to the President of the United States, bring them to a conclusion, and have them ended. We may some day have a President whom we would not want to entrust with the powers which are granted by the pending joint resolution. I offer the amendment in order that we may maintain our own freedom from external control. I offer it, of course, in order that we may go back to the independence and complete sovereignty which we should enjoy as one of the greatest of all the great treaty powers of the earth.

Mr. President, I ask to have inserted in connection with my remarks an address I made on this subject during the election campaign of 1938 before the Executives Club of Chicago. It amplifies somewhat more fully my theory about the subject.

The PRESIDING OFFICER. Is there objection?

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Mr. President, ladies, and gentlemen, this is a very happy introduction. I thank you for your welcome so generously expressed through your president. I will comment only to this extent, that is to say, that there probably never was a more eventful day in my own experience than the day I learned that the majority of the Committee on the Judiciary of the United States Senate would vote against the court-packing bill. [Applause.]

Now, I hope that you are going to enjoy this meeting as much as I do. This is a very happy occasion for me, of course, because I am meeting many old friends whom I do not often see, but more importantly because this is one of the greatest cities of the world, this great commercial city of the Middle West and of the United States, this city of affability and of open-hearted, open-handed generosity and hospitality. I love to come to Chicago.

And I am especially pleased to meet with this distinguished Executives Club and with so many of them as are here today. The charming lady at my right at this table commented that the ladies were allowed to come because I was here today. Well, of course, nothing sweeter could have been thought of, I am sure, than that remark. But it occurs to me that it is significant because of the sentiment that I entertain about the women of America. Briefly stated, I think that the great historian M. de Tocqueville expressed it in a concise way when he concluded his works upon the United States of America by saying: "If I were asked to point out the cause of the wonderful advancement in prosperity and civilization of the American people, I would say it is the superior character of their women." [Applause.]

When your president, my dear friend, Beverly Howe, invited me to come here and asked me to forthwith say "Yes," and give him

the subject of my address, there was one thought, above all others, that dominated my answer, and that was that perhaps here was an opportunity to express myself upon a current issue of the day of paramount importance. I have no intention, in discussing it, to make a partisan political address, but it is distinctly a political subject, and I am sure that my hearers, Democrats and Republicans alike, will acquit me of attempting to turn the philosophy of my address into a partisan argument.

Of course, the events in the Orient, and in the Near East, and in Europe, all of them force this issue before us.

OBSERVATIONS ON OUR FOREIGN POLICY

Today, amid disorder which injures our foreign trade, impairs our peaceful relations with our neighbors, and challenges our moral responsibility as a Christian nation, we try to accomplish an effective degree of unanimity in a foreign policy founded on righteousness and justice, and designed to promote peace—peace is the all-important objective.

The problem is complicated by domestic issues as well as by traditional attitudes and treaty obligations. It cannot be simplified to a choice between erecting a united front of republics against totalitarian states, and the alternative of isolation. Its solution, if any is possible, must be approached step by step—principle and policy, dictated by developing circumstances, being fully understood by the people.

The importance of popular understanding and belief arises from the fact that our foreign policy consists in an attitude of the people. It can be changed, as we have seen, from an attitude for peace to an attitude for war.

Taking our stand on facts which are beyond controversy and looking ahead, have we not a duty to try to mold opinion in this and kindred governments to develop within themselves a foundation for international faith of a kind that is new in the world?

IMPRACTICABILITY OF ISOLATION

Isolation is impossible. We are inextricably involved in the affairs of the world. The open-door policy which Japan agreed to respect and the obligation of the United States to conduct the foreign relations of the Philippine Commonwealth keep us in the oriental disturbance. We gave our consent to the Palestine mandate on condition that the term of the approving convention between Great Britain and the United States should not be changed without submission to us.

Our good-neighbor commitment to South American states through the general treaty of inter-American arbitration and our venerable Monroe Doctrine entangle us in the affairs of the Western Hemisphere. The Nine Power Pact of Washington is inconsistent with an attitude of isolation. The Kellogg-Briand Treaty, outlawing war as a means of settling disputes, in which the United States assumed a leadership, contradicts isolation.

Isolation is impossible if we are to preserve a republican form of government on this continent. Isolation would afford the "emergency" for perfection of the totalitarian state here.

OUR INTERVENTION POLICY

In 1823 we found the doctrine of nonintervention in affairs of other nations this side of the Atlantic was inadequate defense against attacks upon representative government. Therefore we developed the Monroe Doctrine which is founded on intervention—the opposite of isolation. This attitude, maintained to the present, implied that the United States might view as just ground for intervention any attempt to extend non-American dominance on the American Continent or to impose non-American powers on the political independence of American states. This position was defensive. It was not an undertaking to guarantee a republican form of government to foreign states in this hemisphere. The occasion for its announcement was resistance to the activity of the Holy Alliance, in cooperation with France, striving to propagate the divine right of kings on fresh soil, and to put an end to representative government in the Western Hemisphere.

We employed the doctrine of intervention to safeguard the independence of the institutions of the United States. It may be unique in respect to its byproduct of assistance to other republics, but its principal objective was preservation of this Republic. As it bears on the question of today, we recognize that the principle of intervention, when thus employed by the United States, was not novel as the basis of a policy. Europe had long employed it as the basis of the balance of power. The maintenance of the balance of power implied that the members of the European family of nations would view as a cause for intervention the concentration of such power in any one of its members as would enable that state to coerce the others. European states expressly approved our attitude in the terms of the League of Nations Covenant. Today, as of old, this principle of intervention is opposed to aggression by others as well as by ourselves.

It cannot be correctly said that this position is inflexible and commits us to action. The exclusive prerogative of this Government to decide, as each case arises, what character of international conduct this Government will adopt is of the essence of the doctrine.

DESIRABILITY OF COOPERATIVE POLICY

Generally our foreign policy has occupied a middle ground. We have promoted peace by the examination of issues and rendering service in the family of nations, free from the limitations of long-term general treaties.

We have maintained "an attitude of independence, not of isolation," as Chief Justice Hughes—then Secretary of State—charac-

terized it. He further said, in an address to the American Bar Association within a few years after the World War:

"Our people are still intent upon abstaining from participation in the political strife of Europe. They are not disposed to commit this Government in advance to the use of its power in unknown contingencies, preferring to reserve freedom of action in the confidence of our ability and readiness to respond to every future call of duty. They have no desire to put their power in pledge, but they do not shirk cooperation with other nations whenever there is a sound basis for it and a consciousness of community of interest and aim. Cooperation is not dictatorship, and it is not partisanship. On our part it must be the cooperation of a free people drawing their strength from many racial stocks, and a cooperation that is made possible by a preponderant sentiment permitting governmental action under a system which denies all exercise of autocratic power. It will be the cooperation of a people of liberal ideals, deeply concerned with the maintenance of peace and interested in all measures which find support in the common sense of the country as being practical and well designed to foster common interests."

WARNING AGAINST ALLIANCES

Accepting as a fact that we cannot take the attitude of isolation, then must we resort to an alliance with Great Britain and her dominions and other nations endangered by fascism or communism?

The pact against communism between Germany, Japan, and Italy, depending on military strength as its vital sanction, may excite a union of communistic societies for the purpose of meeting might with might. However, the logic of indisputable facts of our own history leads us away from an alliance or united front with any other nation.

The right of independence or freedom from external political control;

The avoidance of opportunity for aggression through internationalism; and

Our present grave concern about the preservation of republican liberty in this country dictates a policy of nonalliance. This, moreover, is happily consistent with the most venerated American statesmanship.

Washington in his Farewell Address announced:

"It is our true policy to steer clear of permanent alliances with any portion of the foreign world."

Jefferson, in a letter to Monroe, amplified it:

"Our first and fundamental maxim should be never to entangle ourselves in the broils of Europe; our second, never to suffer Europe to intermeddle with cis-Atlantic affairs."

Let us notice that Washington, while advising against entanglements in "the toils of European ambition, rivalry, interest, humor, or caprice," did not advocate isolation. He advised against both permanent alliances and isolation. Washington favored the adaptation of our foreign policy to changing circumstances according to informed public opinion. He said:

"Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we must safely trust to temporary alliances for extraordinary emergencies."

An alliance for the purpose of opposing one ideology against another—republicanism against totalitarianism, would naturally be of a permanent duration.

Under the limitations of either the united front for republics or isolation, the United States could not always adapt her course in favor of right and against wrong. As a proponent of peace we would be often disabled to create or foster the policies or implements of peace.

Without independence we might be unable to cultivate the spirit of mutual friendliness with totalitarian states, which it is our disposition to do. Realism, judicial poise, Christian kindness, and recognition of the right of every nation to conform to its own beliefs without trespassing on us, firmly plant us on the middle ground of independence.

This independence requires support. It cannot maintain itself. In peace and in war this Republic must defend itself against dominance by others. In negotiations with a view to peaceful solution of differences our independent responsibility must have the authority of respect by others, to be effective. In arbitrations, when participated in by us, as they have been in more than 70 instances, we should have the confidence caused by real neutrality.

NEUTRALITY DEFINED

So we come to some specific conclusions.

Amid the turbulence of the world, with war, declared or undeclared, actually going on, we all want to keep our boys out of the danger of bullets and gas. At the same time we believe we would be unwise in withdrawing commercially to our continental area, nationalizing all production and industry, and further centralizing all government in Washington. We do not want to establish non-participation in trade and finance. Such a plan would require a vast financing scheme to further organized control of all business and commercial activities and cushion the fall of industrial employment and the lack of necessary materials not obtainable here. The dictatorship perfected thereby would insure to us and our posterity a curse of unhappiness.

Our aim is neutrality.

NEUTRALITY ACT OF 1937 MISNAMED

However, the Neutrality Act of 1937 is not a neutrality act and ought to be repealed or amended. It may have the effect of unneutrality.

Neutrality visualizes two nations at war and a third friendly to both. Neutrality is a condition of impartiality. As John Quincy Adams stated:

"It avoids all consideration of the merits of the contest."

It is a state of mind of the third nation which acknowledges the cause of both belligerents as just.

But the act of 1937, through its cash-and-carry plan, may throw our resources into the contest on the side of a nation having ships. The mandatory embargo may assist a belligerent having resources not available to its enemy.

Neutrality cannot be confined to acts of governors. When economic participation expresses popular sympathy with one side only, the government is not neutral, however pacific governors may be.

The state of public opinion is of more efficacy for peace or war than any mandatory act binding the President in advance and in unforeseen conditions to embargo arms, the sale of securities to belligerents, and travel by American citizens on belligerent vessels—as is done by the Neutrality Act of 1937. Moreover, we expose ourselves to the chagrin of seeing some other nation decide a war between our neighbors by furnishing arms and goods to a belligerent whose success may be distinctly against our interest. Meanwhile we may have foolishly tied our own hands behind our backs.

The act also freezes our position by the provision that it shall go into effect upon a finding by the President "that there exists a state of war" between two foreign states, or a state of serious civil strife in a foreign state. As it has been interpreted, the President withholds his determination in the absence of a formal declaration of war by one of the belligerents. So, again, we put ourselves under control of a foreign power. A belligerent having vessels to participate in the cash-and-carry plan could force a foreign policy into action by declaring war. Thereupon it would force us to impose on ourselves restrictions contained in the statute which we had been avoiding by not recognizing that a state of war existed.

Under the Constitution, the Executive, in time of peace, conducts our foreign relations, within certain limitations, because that is the only practicable way to act with necessary celerity. The same liberty of action should be left him in time of war, for exactly the same reason.

AN IMPRESSIVE VOICE

The voice of America is potent—no more powerful government exists. No belligerent or would-be aggressor would willingly add the United States to its enemies. This was proved recently. It may be only a truce. The dove wears a gas mask yet. America's voice was effective because of the freedom of the Executive in peacetime, and before the Neutrality Act of 1937 could restrict him, to take an affirmative attitude toward peace—an unequivocal intention to sympathize with those who were for peace and to disagree with those who were for war.

In the President's note to Chancellor Hitler it was pointed out that the United States had "no political involvements" in Europe and would "assume no obligations" in the conduct of negotiations, but recognizes its responsibility "as part of a world of neighbors." In the language of diplomacy this means "you cannot assume with safety that we will withhold action until the ship of state has been boarded."

The voice of America was impressive because it could be spoken at the opportune moment. It had the authority of deeds behind it. There was a striking similarity to the attitude of America preceding our entry into the World War. Then there existed a general desire for American isolation, sympathy with the victims of aggression, but also the prospect of better prices and broader markets for wheat and oil, and cotton and steel, and copper; and then President Wilson engaged in the role of public exhortation to European countries. Yesterday, as it were, public opinion and economic interest corresponded to the ante bellum emotions of 1917. Then President Roosevelt began his letter writing. The vital difference consisted in the fact which our participation in the World War demonstrated, namely, that this country can cooperate and that it is a mistake to underestimate its efforts at peace.

It is my opinion that our experience in the late peaceful settlement of the European conflict between autocracy and democracy will excite action to amend the Neutrality Act of 1937. Probably there will be an effort to remove the mandatory features of it, and to give the Executive discretion to apply or to withdraw the embargoes of the act under two conditions:

- (1) When war actually exists, whether declared or not, and
 - (2) When such action is necessary "to promote the peace and security of the United States or to protect the lives of its citizens."
- Thereupon the United States would again be free from commitment to a definite course of action in advance of unknown conditions. The operation of our legislation would not be subject to automatic control by a foreign power. The voice of America could make a more positive contribution to the world's decisions for peace in all circumstances.

THE NEED OF PUBLIC UNDERSTANDING

We would do better to stand firmly on neutral rights under international law than to impose limitations on our action by statute; such statutes may, while they last, be equally embarrassing as treaties.

We should "keep ourselves by suitable establishments on a respectable defensive posture." This requires adaptation of our armament to the needs of the present and the foreseeable future. It does not require matching equipment with the rest of the world.

It does not justify disregard for the checks upon spending for military purposes which taxpayers wrested from tyrants in the long

ago and which our forefathers established for themselves and for their posterity. The providers ought to earmark the new taxes for the spenders. We have discovered the dangers of uncontrolled spending power. Openly without blushing, campaign speakers base their requests for a vote on the quantity of money spent in the voter's community. This complication in the solution of our foreign policy will require special study by Congress and it will need the intelligent assistance of the people in that study—such assistance as the Executives' Club rendered Congress when that great issue over the independence of the judiciary was on trial there. [Applause.]

We should limit future reciprocity agreements to specific barter transactions in order that advantages may be actually reciprocal and mutual and that economic causes of international resentment may be reduced.

We should stop purchasing unneeded gold and silver at exorbitant prices. [Applause.] Such gifts are especially improvident since they engage us in financing wars in which we should be neutral. We should not indulge in bluffing, threatening, or giving unsought advice. It is only a year ago that the Chief Executive gave vent to that word "quarantine" as a fist shaken in the face of our neighbors. We cannot afford as a great and dignified Nation to make threats with a mental reservation. I think we cannot afford to talk ourselves into a position similar to that of Sambo, the colored boy, who had a trial in court, and was about to take the stand in his own behalf as a witness, was asked a few questions preliminary to the oath being administered in order to find out whether he understood the import of the oath. The judge said to him: "Sambo, do you know what would happen after you have taken this oath, if you should tell a lie?" Sambo turned to the judge and said, "Yassah, yo' Honor, I'd go to Hades and I'd burn a long time." The judge said: "Well, Sambo, do you know what would happen if you should tell the truth?" "Yassah, yo' Honor," said Sambo, "I'd lose the case." [Laughter.]

OUR MORAL RESPONSIBILITY

We cannot afford to get ourselves into the position of compromising our future, as well as our past. We should maintain our own good character as a republic which carried out its promises and makes good its representations.

I dislike to part from such attractive company as this, but I am about to do so, with one concluding comment, and that is that looking forward, far forward, as we ought to do, as a great nation, with our responsibility, we ought to strengthen the means of moral influence in the cause of peace.

Upon our experience with the common law, which to a marked degree has unified Great Britain, Canada, and the United States culturally, may we not aspire to an entente for peace with all nations. Treaties are not necessary. Treaties are ineffectual, as shown by the present condition of the world.

Treaties only witness a true union. Its substance, if realized, must be sought for in the sentiments and habits of society. May we not hope and strive for national custom and habit of mind and action which impose restraints without which freedom from international interference is impossible and with which spontaneous support for international law and order would react from every stimulus. Thereupon the world could have peace without the sanction of force—peace based on moral responsibility. [Applause.]

Mr. PITTMAN. Mr. President, there are Senators in the body at present who believe that our Government is protected in maintaining its peace better by acting entirely under the rules of international law. I think the Senator from Vermont is one of those Senators.

We have won the confidence of the people of the country in this fight, in my opinion, by the provision with regard to cash and carry. I think the people would be shocked beyond expression if they thought there was any chance on earth of having all this proposed legislation expire the minute the present war between Great Britain and France and Germany was declared by the President to have ended.

Only a few weeks ago, when the Senator from New Hampshire [Mr. TOBEY] offered an amendment for the purpose of hurrying the enactment of that portion of the joint resolution dealing with cash and carry, strong arguments were made that it should be enacted immediately, not even waiting for 1 day to pass.

Under the pending amendment, if it should be agreed to, if the President in one week should declare that the war between Great Britain and France and Germany were at an end we would have no law of any kind or character upon our statute books granting to the President any power of restraint whatsoever over our citizens, and we would be in exactly the same fix we were in 1917.

Mr. President, I contend that the overwhelming majority of the Senate wants as permanent legislation the prohibition against American vessels engaging in commerce with belligerents, and if there is to be any exception, it should be a temporary exception as to localities where apparently there

is no danger; but section 2 (a) should remain forever as the pronouncement of the principle of this country that American vessels should not trade with belligerents, that the chance of the loss of the lives of our seamen should not be taken. I think the Members of this body want that as permanent legislation.

I think, too, that they want in our permanent legislation those provisions which make it absolutely unlawful for a citizen of the United States to travel on belligerent vessels. I do not think there is going to be any compromise on that whatever. I think they want as permanent legislation the provision that no belligerent can sell its bonds or obligations or securities in this country during war. I do not think there is any question but that we want that as permanent legislation.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. NORRIS. I confess that I am very much in doubt about whether or not we should adopt the amendment. I should like to call this state of facts to the attention of the Senator from Nevada: We have on the statute books today the Embargo Act, which the pending joint resolution would repeal. It was passed by almost unanimous vote in the Senate. Let us assume it is a fair and equal law, which, as I see it, is not true at all. I think it is unfair and unequal, and if I had known the conditions were to be as they now are, I never would have voted for it. Who voted for that law and who had any idea that in this day Germany, for instance, and her allies, would act in conjunction with each other, one being a belligerent and the other a neutral, in order to get the advantage over England and France, which do not have adjoining them any country from which they can have goods shipped in?

I do not know what may happen in the future, but I am afraid some condition may arise, if this kind of thing should ever happen again, which we cannot now foresee. The Senator has asked, Who wants a belligerent selling bonds in this country? I am wondering whether such a case might not arise that we would all want a belligerent to have that right.

Mr. PITTMAN. When we were neutral?

Mr. NORRIS. Yes. Would we not want Cuba to have that right, if Cuba were fighting for her independence? If there is such a country as we were when we were in the Revolutionary War, would we not want that country to have the right to get munitions? I do not know that we would, but I am afraid, looking into the future, the dark future, that we cannot see what the conditions are going to be, and I am wondering if it would not have been better, in the present situation, if we never had passed a neutrality law. It seems to me it would have been. We voted for the present law in the best of faith. The result was, as I see it, to give Germany an advantage in this war over every one of her opponents. That is unfair and unjust, and it might control the decision at the end of the war.

Mr. PITTMAN. Mr. President, the Senator from Nebraska has been such a strong supporter of the joint resolution that I admit frankly that his doubt about the matter is very disturbing. I would not under any consideration on earth of which I can think want to see this country again as helpless as it was in 1917, just before we went into the World War.

Mr. NORRIS. I agree with the Senator.

Mr. PITTMAN. If we do not have any law on the subject, we are bound to be in such a condition.

Mr. NORRIS. I am afraid so.

Mr. PITTMAN. There is no doubt on earth about the fact that our vessels were destroyed without notice on the high seas, illegally, under international law; and we were standing on international law. We have decided since that time that we would suspend our rights under international law until the war is over, and then seek whatever redress we may have if we have been wronged. We have said we are not going to let our ships suffer the danger of being destroyed on the high seas on account of a little commerce our vessels may get with the belligerents, and that is as fixed

an idea in this country as ever existed with regard to foreign policy. It is as permanent an idea with two-thirds of this body as was ever entertained with regard to foreign policy.

Mr. President, what is the purpose of the amendment? It is proposed that if 1 month from now Germany and Great Britain and France declare peace, that all the work we have done in 1935 and 1937 and since we have been here now for weeks shall be for naught; that all the arguments that have been made shall be for naught; that the protection we have provided against our citizens being destroyed on the high seas shall be wiped out, and we shall allow our citizens to travel on belligerent vessels as they did on the *Lusitania*, and the danger of death shall exist as it did at that time; that we shall allow our ships to arm in another war. That is what is proposed by the amendment.

Mr. President, what would happen? I say that in 1 month the war between Great Britain and France and Germany may cease, and if it should, it would become the duty of the President of the United States so to declare, and when he should so declare he would wipe out all the neutrality legislation for which we have been working all this time.

That would be the effect of this amendment, and we should be back to the position we occupied in 1917. Then 2 weeks later a war may break out somewhere else; let us say it breaks out between some other great European powers, or breaks out between some great Asiatic powers, and we have then no neutrality law on our statute books. Our ships may trade with the belligerents. Our citizens may travel on belligerent vessels. Our vessels may arm to force their way into belligerent harbors.

Belligerent nations can throw their bonds on our markets through Morgan & Co. or other concerns. They can flood our country with credit, and we will have to come back here and go through all this discussion, all this consideration, while our citizens are being destroyed, because the law has been wiped off the statute books.

Mr. President, I think it is the most inadvisable proposition I have ever known to be advanced, not only in this debate but that has ever been made in the Senate in regard to neutrality.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. TYDINGS. I am sure that what the Senator from Nevada says must impress every one of us that we have a very difficult choice to make of one of two alternatives. On the one hand we had a neutrality law at the start, and found it to be inadequate, and had to change it after the present war broke out. On the other hand, where would we be if we had no neutrality law? If the Senator will permit me, I wish to say that one of my misgivings about the matter of the permanency of this law rises from this consideration: Suppose there had been no war between Japan and China.

Suppose that at the conclusion of the present European conflict Japan was for the first time to invade China, and under the present neutrality law Japan could come here and buy munitions, guns, shells, cotton, raw materials, foods, everything that we had to sell, while poor China, with no merchant marine, the injured party, the country that had been invaded, the country that had done nothing, we will assume, in world opinion, to cause the war. I would hate to feel that under such circumstances we would not deal with them. Under such circumstances and in that situation I would not want a change made in the existing law.

Now we have to choose either horn of the dilemma. What would the Senator say as to the situation between Japan and China if there were no European war, and Japan were invading China for the first time?

Mr. PITTMAN. I would say exactly what I say now. I have tried not to think who is fighting in the war. I try to remember that we were dragged into the war in Europe, with enormous loss of life and property, because we thought the German Government engaged in illegal submarine warfare and killed our seamen. I voted for our entry into the war because I felt Germany had violated the law and our rights.

I since have come to the conclusion that I would rather suffer the loss of commerce, even suffer humiliation through circumscribing our commerce on the high seas, than to be dragged into another war.

I think the soundest course we can take is to make it absolutely unlawful for American vessels to engage in commerce with belligerents, not on account of the loss of ships or the cargoes but because ships have to have seamen on board and the belligerents care very little for the lives of seamen on vessels.

Mr. President, we should not allow the repeal of the law which protects our country in times of war. We should not allow our citizens to sail on belligerent passenger vessels. There is no necessity for it. Whether they are killed legally or illegally on such vessels, when they are killed it arouses the war spirit in this country. We should never let that happen again. We should make it a permanent policy that our merchant marine shall not be armed when engaged in foreign commerce, because it invites destruction by submarines, prevents search on the surface, and makes defense practically impossible. Yet after all the work we have done for years on this matter, the suggestion is made at this very moment that we should go back to international law of 1917 because perhaps we are uncertain about what we are doing today. We may be uncertain about some of the minor details of the legislation; we may be uncertain how it will affect China and Japan in some future war, but we are not uncertain about what happened in 1917.

No one here desires to take the same chance again. I believe we are thinking of a war between other nations instead of thinking of the welfare of the American people. I think the pending amendment should be rejected.

Mr. WALSH. Mr. President, if this amendment is adopted, I hope we will change the name of this resolution from "Neutrality Act of 1939" to "The War Act of 1939." This, Mr. President, is the end of the pretense of neutrality. All here know my position. I disagree with the chairman of the Committee on Foreign Relations, but I do commend him for his statement that we ought to look upon the European situation objectively. That is just what those of us who are against repeal of the arms embargo have been doing, and for that reason we are opposed to aiding and abetting one group of belligerents. We want genuine neutrality.

Mr. President, what will this amendment do? It will say to the belligerents who will be benefited by the lifting of the arms embargo, "See how the United States aids and supports our cause. It repealed its neutrality law just for our benefit, and to prove that, it terminated it when the war was over."

This amendment does not intend to make this bill a policy of government. It seeks to make it a special war act for the benefit of favored belligerents.

And what would the other belligerents say? They would say, "It is not only injurious and hostile to us, but the United States even went so far in taking sides as to limit its so-called neutrality by terminating it at the end of the war." Would not this add to their hatred, add to their dislike and denunciation of us and our pretense at neutrality?

Mr. President, to me this proposal is the last straw. Disliking this measure as I do, and voting against it as I shall, I love my country too well to have the word go out to the world that America has labeled a law for the period of the war a neutrality measure and therein provided for the lifting of its general law forbidding the sale of war implements only because it desires to benefit certain belligerents.

At least some of the Members on this side of the Chamber, who will vote for this joint resolution claim that they are neutral (?), claim that we made a mistake when we passed the original neutrality law, claim that it was unneutral, and now they want to make it neutral. In Heaven's name how can we call a law neutral when in the midst of a war we change from forbidding munition sales to any belligerent to permitting sales for the period of this war to other belligerents. Of course we understand that those who dislike the President but favor assisting the allies to the limit, naturally want this power terminated for fear that in the next

war the President's objectives will not be in harmony with their objectives, for they now believe the President and they are in accord.

Mr. President, it is inconceivable that such a bold and one-sided suggestion should be made. If this amendment is adopted we ought to change the name of the measure to the "War Bill of 1939 to Assist the Allies."

Mr. LEE. Mr. President, I desire to resist this amendment. The purpose of the proposed neutrality law is to prevent war; it is a preventive measure. Then if we should repeal it and another war scare should come along, it would not be a preventive measure. It would be like closing the barn door after the horse has been stolen, to wipe this off of the statute books, and wait until another war came along and then make an effort to take action to prevent war.

Then if we understood to pass another neutrality law, the argument would be raised again that we should not pass a law after the situation had arisen which we proposed to cure. A principle of this kind would be like putting a clause in labor legislation that at the termination of every labor trouble the law would expire, and then with the beginning of another labor trouble we would be required to pass another law.

Mr. President, law is a progressive thing; it grows. Every new piece of legislation must be refined and improved from time to time. Gradually we eliminate the portions that do not carry out the principle we had in mind when we passed it. The pending neutrality legislation is an effort on the part of the Congress to blaze a new trail in the prevention of war. The first one was passed in 1935. We amended it in 1936. We revised it again in 1937. We are now revising it again in 1939.

Mr. President, I supported every one of those measures and I have no apology for so doing. I do not think I made a mistake. I voted with what light I had at the time, as I believed then was for the best; and as circumstances develop, when the need arises for revision, I shall vote to do so, but I do not think it is necessary to repeal the entire legislation in order to do that.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. TYDINGS. I was wondering if the limitation to 30° latitude would apply if there should be another war and the belligerents should be different from the ones that are now engaged in war.

Mr. PITTMAN. Under the proposed amendment that provision would expire with the conclusion of the present war.

Mr. LEE. Mr. President, those who have written to me are laboring under the impression that if we pass the Pittman measure we are repealing neutrality. Nothing could be further from the truth. We are revitalizing neutrality. We are putting more teeth in the Neutrality Act than it ever had. There are other provisions in the measure than the embargo. We are strengthening the provisions regulating the travel on belligerent ships.

We are strengthening the provision with reference to the control of the manufacture of munitions. There is a provision that the manufacture of munitions shall be under a license system, which gives the Government control of that instrumentality, which it never had before the enactment of this measure. I should not want to see that repealed.

There is another provision which requires our ships to get out of the line of fire when other nations are at war. That is not a surrender of our rights on the high seas under international law. It simply means that we are foregoing the exercise of those rights during the period of the war in order that our vessels may get out of the line of fire, so as not to be destroyed and be a cause of war to this country. Therefore, I hope that the effort to repeal all this legislation at the termination of the present European war will be defeated.

Mr. WHITE. Mr. President, I wish to say a brief word indicating my approval of the amendment offered by the Senator from Vermont [Mr. AUSTIN]. I take it that in normal times this joint resolution would not be before the Senate of

the United States; and if it were I venture the further assertion that it would have scant consideration and few votes.

Mr. President, we were not called into extraordinary session for the purpose of dealing with the usual and ordinary conditions which confront our people and our Government. We were called into extraordinary session to meet extraordinary circumstances; and the pending legislation proposes to meet them in an extraordinary way. It grants to the President of the United States unprecedented powers. It places extraordinary limitations upon the individual; and the proposed legislation involves extraordinary impacts upon the industrial and economic life of our people.

When the unusual and extraordinary circumstances which gave rise to the proposed legislation shall have passed away, then it seems to me, as a matter of good sense, that the extraordinary legislation should terminate with the ending of those circumstances. In my opinion, that is all that the amendment proposed by the Senator from Vermont undertakes to do, and it has my sympathy.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. WHITE. I yield.

Mr. NORRIS. I recognize the force of the argument made by the Senator and of the argument made by the Senator from Vermont. I clearly realize, too, that when we pass upon the amendment and the principle involved in it, we must look into the future. We have to admit, if we are fair, that we cannot discern the future very clearly.

What has the Senator to say about making permanent the regulations relating to the travel of our citizens on the ships of belligerents? What about making permanent the law preventing sales except on a cash basis? Or what about several of the other provisions, which I think ought to be permanent and ought to apply always?

I think I can see quite clearly that there are some things we might want to change in the future. So far as we can now see, the joint resolution "fills the bill"; but as I understand, the argument for making it temporary, to end with the war, is based upon the uncertainty that we know must be in the future. We may confront a condition similar to that which now confronts us. In the past we enacted a law which I think has been injurious to our country.

Mr. WHITE. I probably cannot give a satisfactory answer to the Senator. I doubt if I can wholly satisfy myself.

Mr. NORRIS. I cannot satisfy myself, either. I have to vote in a way which I think will result in the least injury to the country.

Mr. WHITE. I happen to be one of those who have felt that, a war being now existent, we should not undertake to redraft existing neutrality legislation. After the war is over, when what I conceive to be normal conditions shall have been restored, I shall then be prepared to consider these problems and undertake to work out permanent legislation. In these extraordinary times I do not think we ought to undertake it.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont [Mr. AUSTIN] to the committee amendment in the nature of a substitute.

The amendment to the amendment was rejected.

Mr. GURNEY. Mr. President, it is my desire briefly to give most of my reasons for my decision to vote for the measure now before Congress, known as the Neutrality Act of 1939.

First, let me state definitely that this is entirely an American issue, and therefore should not, and cannot, be considered a partisan issue.

I firmly believe that each Member of this Congress should vote exactly as his own individual experience and best judgment dictate as being for the best interests of the United States. By that I mean closely scrutinizing the joint resolution as to how its provisions will affect not only the present, but the future well-being of our country, which for the present certainly means that every step must be taken to prevent our involvement in the present war.

In this connection let me say that I am pleased with our President's statement of last evening, that it is the sincere

policy of this administration to prevent a repetition of the World War events which made it necessary to send our soldiers to other lands.

I am convinced that no Member of Congress intends by any act of his to involve our country at any time.

In these times of stress when nations, because of their own interests, do not recognize any principle of international law—if there be any such law—it is absolutely necessary that we take positive steps to guard against our involvement. This I believe we are doing by passing the present measure. As a further preventive, we must continue the good national-defense program that is now in progress, so that our country may be prepared defensively against all known dangers, and may further prepare, as well as possible, against any unforeseen dangers. Let me state definitely that I believe our first and best defense measure is to build up our own economy with less government and less taxes, remembering that our best defense is a happily governed, prosperous people.

The question now before Congress has been debated at length. It is not conceivable that a single angle has not been given thorough consideration; and although I have approved of some amendments that have been voted down, the original measure, with accepted amendments, is now in such shape that it commands my favorable vote. There is a good old American principle that the majority rules; and I am willing to abide by this time-honored, worthwhile American system.

I will admit that the provisions contained in the joint resolution—which are, by the way, regulations of our own people only—may seemingly favor one side in the present European conflict.

I call to the attention of the Senate a distinct possibility that may be very evident after an intensive war of 6 or 12 months. I have said that the passage of the present measure seemingly favors one side; and I have admitted that this is undoubtedly the case at present. Let us go back to the experience of the Allies during the World War. It was ships and food that then gave the Allies such a preponderant advantage. I am sure Senators will all remember the great quantities of material that went across the Atlantic from our shores in our own ships. The prohibition against our ships being used for this same purpose in the present conflict will undoubtedly be a loss rather than a gain for the countries at present seemingly favored by the passage of the joint resolution.

Our present arms embargo discriminates in favor of all countries which in times of peace have built a large armament for aggressive purposes. Theoretically it is fine to consider it absolutely right not to sell munitions or implements of war to any belligerent nation. However, national defense being of first importance, it is my belief that for our best interests we must and can be practical at this time by accepting the regulation of our own people that is contained in the pending measure.

Some of the good provisions in the joint resolution as it now stands are, in my opinion:

First. It retains for Americans freedom of the seas in peaceful waters, allowing the free flow of commerce, which is good for our national economy.

Second. It prevents our ships and citizens from entering danger zones. By these two actions, keeping our merchant marine busy and out of danger, our Navy is sure of the assistance of an efficient merchant marine so necessary in time of national danger.

The best considered opinion at this time tells us that the pending measure will be the law of the land in the near future. Realizing the tremendous influence this country has on world opinion, and in view of the terrible events which may come to other parts of the world, let us now tighten our determination to assist in every way possible in calming the emotions of our people.

Now is the time for the United States of America to show by its own good example that democracy does work. As long as our people have a will for peace we are safe from any

danger of becoming involved in the present conflict. Let each Member of Congress make it his job to instill in the hearts of our people his own determination that this country will remain at peace.

Mr. JOHNSON of California. Mr. President, I offer an amendment which I send to the desk and ask to have stated. The PRESIDING OFFICER. The amendment offered by the Senator from California will be stated.

The LEGISLATIVE CLERK. On page 16, line 13, after the word "materials" it is proposed to insert "(except copyrighted articles or materials)"; on page 17, line 3, after the word "citizen" it is proposed to insert "(1)"; and on page 17, line 5, after the word "materials" it is proposed to insert "or (2) in connection with the exportation or transportation of any such copyrighted articles or materials."

Mr. JOHNSON of California. Mr. President, I shall take only a moment to explain my amendment, if there are any Senators present who do not yet know its design.

Its purpose is to serve the motion-picture industry, which is placed in a peculiar position by the pending measure. It cannot do as commanded by the joint resolution, and become a party to the cash-and-carry plan, because the films which it packs in a small compass and sends to various places in the south Pacific are always leased. They are copyrighted so that they cannot be disposed of otherwise than by lease. So they attempt to get from under the particular cash-and-carry provision in order that they may transact their business.

Mr. BARKLEY. Mr. President, will the Senator yield for a question?

Mr. JOHNSON of California. Yes.

Mr. BARKLEY. As I listened to the reading of the amendment it seemed to me to be broad enough to apply to all copyrighted matter and not simply to moving-picture reels.

Mr. JOHNSON of California. It applies to copyrighted matter, but I cannot see that it applies to all such matter.

Mr. BARKLEY. It would apply to books and songs and periodicals of all sorts, I suppose.

Mr. KING. And musical compositions.

Mr. BARKLEY. I may be in sympathy with what the Senator is trying to do; but I am wondering whether his amendment would not cover every copyrighted article that might be shipped, regardless of the fact that it might not be a moving-picture reel.

Mr. JOHNSON of California. It certainly is not the design of the amendment to cover any copyrighted article, because I do not think they stand upon the same basis. The scenarios are packed in small compass. They occupy but part of a ship. They are in a position which enables the companies to deal with their customers only by virtue of leases. It is not so with books, periodicals, and the like. They are in a different category; and while they may be copyrighted, they are for sale, while the moving-picture scenarios cannot be sold.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. JOHNSON of California. Yes; I yield.

Mr. CONNALLY. So far as I am concerned, I think the Senator's amendment ought to be adopted. I am willing to accept it. I think it ought to be adopted.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from California [Mr. JOHNSON] to the committee amendment in the nature of a substitute.

The amendment to the amendment was agreed to.

Mr. DANAHER. Mr. President, I send to the desk an amendment dealing with the cash-and-carry plan which it seems to me ought very properly to be superimposed upon the text of the pending joint resolution.

I ask to have the amendment stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Connecticut will be stated.

The LEGISLATIVE CLERK. On page 16, line 20, after the word "materials", it is proposed to strike out the comma and insert "and that such articles or materials have been paid for in full in lawful money of the United States"

Mr. LODGE. Mr. President, will the Senator yield?

Mr. DANAHER. Yes.

Mr. LODGE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	Lee	Schwellenbach
Andrews	Downey	Lodge	Sheppard
Austin	Ellender	Lucas	Shipstead
Bailey	Frazier	Lundeen	Slattery
Bankhead	George	McCarran	Smathers
Barbour	Gerry	McKellar	Smith
Barkley	Gibson	McNary	Stewart
Bilbo	Gillette	Maloney	Taft
Borah	Green	Mead	Thomas, Okla.
Bridges	Guffey	Miller	Thomas, Utah
Brown	Gurney	Minton	Tobey
Bulow	Hale	Murray	Townsend
Burke	Harrison	Neely	Truman
Byrd	Hatch	Norris	Tydings
Byrnes	Hayden	Nye	Vandenberg
Capper	Herring	O'Mahoney	Van Nuys
Caraway	Hill	Overton	Wagner
Chandler	Holman	Pepper	Walsh
Chavez	Holt	Pittman	Wheeler
Clark, Idaho	Hughes	Radcliffe	White
Clark, Mo.	Johnson, Calif.	Reed	Wiley
Connally	Johnson, Colo.	Reynolds	
Danaher	King	Russell	
Davis	La Follette	Schwartz	

The PRESIDING OFFICER. Ninety-three Senators have answered to their names. A quorum is present.

Mr. DANAHER. Mr. President, it seems to me that the amendment I have offered goes directly to the root of the proposition which has been submitted to the country, and also submitted to the Senate, as the basis for a so-called cash-and-carry plan.

It will be recalled that when an amendment submitted by the Senator from Texas [Mr. CONNALLY] and the Senator from Nevada [Mr. PITTMAN] was offered the other day, we deliberately and willfully and intentionally excepted from the provisions of the so-called cash-and-carry idea the thought that American goods going to the ports named in that amendment need not be paid for in cash.

Mr. MALONEY. Mr. President—

Mr. DANAHER. I yield to my colleague.

Mr. MALONEY. Perhaps I am interrupting at an inappropriate moment, but I desire to get one thing clear in my mind. As I understand the Senator's amendment, it provides that such material shall be paid for in lawful money of the United States.

Mr. DANAHER. That is correct.

Mr. MALONEY. I wonder if I might prevail upon my colleague—because I think I want to do what he wants to do—to change the language to the words "for cash," because if he retains in the amendment the language he now uses, "lawful money of the United States," it seems to me a truck might be required to carry it.

Mr. DANAHER. Mr. President, I think I can best answer the question raised by my colleague by pointing out that the proposed amendment should be read as part of the context of the whole sentence. In order to clarify it, let me make apparent the purpose of the use of this particular language. I read from page 16 at line 16:

The shipper of such articles or materials shall be required to file with the collector of the port from or through which they are to be exported a declaration under oath—

Now, notice:

A declaration under oath that there exists in no citizen of the United States any right, title, or interest in such articles or materials, and that such articles or materials have been paid for in full in lawful money of the United States.

It makes no difference to me in what form that money is brought up, if you like, to the exporter or to the American owner. I do not care whether or not it is brought up in a truck, if my colleague will pardon me for adopting his language. The plain fact of the matter is that if a declaration under oath has been filed, and, in fact, the goods have been paid for in lawful money, checks or drafts or trade acceptances, which in the normal course of business will clear through the bank of the owner thereof, and, as they clear, the credits will be applied on the account of the owner of that particular account, as we all understand and know the

term in common, ordinary business parlance, payment has been had in lawful money of the United States.

All that this amendment, therefore, would do is to require a certification, on the oath contained in the declaration, first, that there no longer exists any right, title, or interest in an American owner, and, second, that the particular goods have been paid for in lawful money of the United States. In that way, Mr. President, the declaration under oath is the important thing, for, of course, we have statutes which protect us against false oaths—which protect us against perjury, if you like.

Mr. BARKLEY. Mr. President, will the Senator yield at that point?

Mr. DANAHER. Yes; I yield.

Mr. MALONEY. I should like to ask another question of my colleague, if I may.

Mr. DANAHER. I yield. Before yielding to the Senator from Kentucky let me ask my colleague if I have sufficiently answered him in the particular in which he raised the question.

Mr. MALONEY. No; I am sorry to say that my colleague has not answered completely to my understanding. I am only asking these questions for the purpose of enlightenment.

If the collector of the port or any other official or individual testifies that the articles or materials are fully paid for, I am wondering why it is necessary to use the language "in lawful money of the United States."

Mr. DANAHER. Mr. President, I have been talking so loudly, and perhaps my colleague has been talking so loudly, that I have not been able to hear all the Senators in the Chamber. [Laughter.]

The PRESIDING OFFICER rapped for order.

Mr. DANAHER. If I correctly understood my colleague's question, the point he raises is that there is no need to say "in lawful money of the United States" if we use the language "paid for in full." Is that the question?

Mr. MALONEY. What I should like to avoid is any misunderstanding concerning the Senator's purpose. I am sure the Senator wants to be certain only that there is a cash transaction.

Mr. DANAHER. Precisely.

Mr. MALONEY. I am prepared to vote for his amendment if that is exactly what it does; but, so far as I am concerned, a certified check or some legal payment is sufficient. I want to be sure that that is sufficient with him.

Mr. DANAHER. Now I understand fully the question of my colleague.

Mr. President, let me first point out that the person who makes the oath is not the collector of the port or any other Government officer. He is the shipper of the material. Consequently, if he is satisfied that it has been paid for in full in lawful money of the United States, and he makes oath to that effect, it can be treated as a cash transaction.

Going one step further, let me point out to my colleague that if we do not send him lawful money of the United States, an acquittance, which is the equivalent of the goods being paid for in full, could be executed between the parties, even though a note were accepted.

Mr. BARKLEY. Mr. President—

Mr. DANAHER. Let me answer the one question fully. If I go to my colleague's place of business and order from him a bill of goods and he is willing to accept a 30-day or 60-day or 90-day note from me and call it payment, he has that privilege. Therefore it would constitute payment in full, in that sense. Therefore payment in full as such is not enough. The goods should be paid for in full in lawful money.

Mr. MALONEY. That is why I suggested in the first place that it might be advisable to substitute the words "for cash."

Mr. DANAHER. I understood the import of my colleague's interpolation of the words "for cash," but "for cash" actually, while we understand the expression, is a colloquialism, which is strange to the law as such, but payment in lawful money of the United States is a legal term, and everyone who reads

our statutes in that connection will know that it means that goods must be paid for.

Mr. President, if the point my colleague raised were appropriate to be applied to this situation in a proper sense, I call attention to the fact that the \$5 bill one takes out of his pocket contains on its face the statement that it is legal tender and is lawful money and is to be treated as such. It does not follow that payment for goods at a store downtown may be made by a check, but the minute the check clears through the bank payment is made. That answers the point raised.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. BARKLEY. The term "lawful money" is one that is defined by law, and the definition does not include a check. The check, when it is cashed at the bank, may be changed into lawful money, but the check itself given in payment for goods is not lawful money. Therefore, it seems to me that it is not necessary for the Senator to try to amend the measure, because we provide against the giving of any credit with respect to the transaction.

Let us suppose we had a consignment of tobacco or cotton, and were proposing to exchange the cotton for some goods sent here from some other country, and it was a fair exchange, satisfactory to the parties. The goods could not be described as lawful money. It would not necessarily involve a check, either. So that it seems to me that when the Senator provides that there must be lawful money, it means that it will be necessary to take cash in silver or paper; it cannot be transacted in gold or gold certificates, because they are not in circulation. It will be necessary to take silver or paper money in some form, and pay it over physically in exchange in the transaction.

Mr. DANAHER. Let me ask the Senator from Kentucky whether, if we were to strike out from the pending amendment the words "in lawful money of the United States," that would meet his objection as he now voices it?

Mr. BARKLEY. It would meet that one.

Mr. DANAHER. If that language were stricken from the amendment, would the amendment as such meet any objection of the Senator from Kentucky?

Mr. BARKLEY. I am inclined to think so, but I would want to study its other ramifications.

Mr. GEORGE. Mr. President, will the Senator from Connecticut yield?

Mr. DANAHER. I yield.

Mr. GEORGE. I hope the Senator from Kentucky will not assent to the proposition.

Mr. BARKLEY. I said that, so far as my objection to the particular language read by the Senator was concerned, the objection would be met, but I did not mean by that that I agreed to the amendment.

Mr. GEORGE. Is it the purpose of the Senator from Connecticut to require absolute cash payment for every article of merchandise sold by any individual or firm or corporation in the United States to an individual in France, Germany, or Britain?

Mr. DANAHER. Mr. President, answering the question so posed, I should say that it has been my understanding all along that section 2 (c) follows the issuance of a proclamation which names foreign states, to which foreign states it will be unlawful to ship goods unless there be filed under oath a declaration that no right, title, or interest in those goods remains any longer in a citizen of the United States.

Mr. GEORGE. Certainly the title passes to the merchandise going on a belligerent ship, if a neutral ships goods as the merchandise of the purchaser. The citizen of the United States has no further interest in it. All of his right, title, and interest are gone. But he can extend credit if he wishes to.

Mr. DANAHER. Is it the Senator's understanding that this provision permits the extension of credit to the foreign purchaser?

Mr. GEORGE. Does the Senator mean to an individual?

Mr. DANAHER. Yes.

Mr. GEORGE. There is not a line in the joint resolution that forbids it.

Mr. DANAHER. Precisely.

Mr. GEORGE. Wait just a moment. I want to understand what the Senator is talking about. It is well to understand it. There is but one class of sales by an individual or an American firm or an American partnership or an American corporation to an individual or firm or copartnership in any of the belligerent countries that is outlawed, and except upon a strict cash basis, that is to say, no American citizen whether an artificial person or a natural person, can sell to any citizen of Great Britain or France or Germany any arms, ammunition, or implements of war or anything else classified by the President under section 12 (i) as a munition of war or implement of war. But those transactions stand on a cash basis, they stand on the basis of any other purchase by a belligerent government. The belligerent governments must pay cash for all they buy, whether it be arms, munitions, apples, wheat, lumber, or tobacco. But there is not a prohibition in the joint resolution against the sale by an individual citizen in the United States to an individual citizen in a belligerent country, except the one provision that before the citizen ships the goods he must part with his title and his right and his interest in the merchandise. So that if the merchandise goes, it goes not as the property of the American citizen.

I desire to ask the Senator this question: Is it his purpose—and if so, then we narrow the point of debate—is it his purpose to make the seller of tobacco to an English firm or individual or corporation get the actual cash and make settlement in full before he transfers his title and his right and interest in the tobacco to the English merchant?

Mr. DANAHER. Of course.

Mr. GEORGE. Is that correct?

Mr. DANAHER. It is.

Mr. GEORGE. Then the Senator wants to do away with practically all commerce.

Mr. DANAHER. Let me ask the Senator a question.

Mr. GEORGE. Yes.

Mr. DANAHER. Is it not the Senator's purpose to make the same importer, the British or French importer, pay cash for sheet tubing, for oil, for gasoline, for cotton, for all those supplies which are not munitions of war?

Mr. GEORGE. The individual?

Mr. DANAHER. The individual.

Mr. GEORGE. Not at all.

Mr. DANAHER. Not at all?

Mr. GEORGE. He pays cash for nothing except arms, ammunition, or implements of war, or things classified as such by the President under section 12 (i). If the latter, then, though the shipment be made and sale be made by an individual in this country to an individual in Great Britain, it stands on the same basis as if it were being sold to the British Government, and must be paid for in cash.

Mr. DANAHER. Mr. President, I dare say the Senator from Georgia was here when the Senator from Nevada explained the joint resolution to us when we first convened, and the joint resolution was reported on October 2. I dare say he heard the President of the United States explain that the vast category of normal supplies, outside of the embargoed munitions, today can be sent to Great Britain and to France. We heard the Senator from Nevada explain that oil and gasoline and all these other articles are just as necessary to the prosecution of war as munitions themselves.

We have been told from one end of the country to the other that the joint resolution contained a cash-and-carry provision. It was our understanding, of course, that it was going to provide for cash and carry as to necessary supplies, excepting munitions. But no; we now discover from a frank, full, complete, and honest statement by the Senator from Georgia that there is no such provision in the joint resolution, and he does not intend that there shall be. Neither does the proponent of the joint resolution intend that it shall be. That is exactly what I have been trying to have fully realized; there is no cash-and-carry provision in the joint resolution.

Mr. LODGE. Mr. President, will the Senator from Connecticut yield to me?

Mr. DANAHER. I yield.

Mr. LODGE. Will the Senator from Connecticut permit me to ask the Senator from Georgia, for whose frank statement I am much indebted, what there is to prevent governments from setting up artificial persons, corporations, and thereby avoiding the requirement?

Mr. GEORGE. Purchases by a government, or by any agency of a government, or by any agent for a government do fall under the strict cash provisions of the joint resolution, and purchases by any citizen in a belligerent country of arms, ammunition, and implements of war, or anything so classified by the President—it might be scrap iron, it might be gasoline, it might be cotton, if he chose to so classify it—must also be considered sales to the government of the country to which they are transported.

Mr. LODGE. Would it not be a simple thing for a government to subsidize or set up an artificial person?

Mr. GEORGE. I would not say it would be a simple thing, but, of course, a government might undertake to evade the law, as governments sometimes have done.

Mr. LODGE. When they are desperate they will, will they not?

Mr. DANAHER. Mr. President, I rise to a parliamentary inquiry. How much time have I left?

Mr. GEORGE. I beg the Senator's pardon. I was merely trying to point out what the issue was.

Mr. DANAHER. I realize that, and I am happy to have it so clearly stated by the Senator from Georgia.

The PRESIDING OFFICER. The time of the Senator from Connecticut on the amendment has expired.

SEVERAL SENATORS. Vote! Vote!

Mr. DANAHER. I will take my time on the joint resolution.

Mr. LODGE. I ask for order on this important question.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SCHWELLENBACH. Mr. President, will the Senator from Connecticut yield?

Mr. DANAHER. No. I want to talk in my own time; I have so few minutes left.

Let me point out that the Senator from Nevada caused to be filed for printing in the RECORD, and it was included as part of his remarks on October 2, a statement which appears on page 57. I quote the following:

The old cash-and-carry law, which expired on May 1, 1939, as far as the divesting of title of the American citizen, is reenacted in the proposed substitute, but has been strengthened by providing that any loss by any American citizen in the sale and transfer of title and possession of his goods shall not be made the basis of any claim by the United States Government.

In the report filed by the majority of the committee which reported the joint resolution, I read the following, which appears on page 58:

From a consideration of the text it will be noted that the cash-and-carry provisions of the law which expired by their terms on May 1, 1939, and which have not been reenacted, have been strengthened as to the provisions dealing with the divesting of title of citizens in goods to be conveyed and transferred and exported to belligerent countries. The addition of this language to the paragraph in the old law with regard to the divesting of title, namely, that "No loss incurred by any such citizen in connection with the sale or transfer of right, title, and interest in any such articles or materials shall be made the basis of any claim put forward by the Government of the United States," covers any loophole that might have existed in the old provisions as an excuse for demanding of the Government that the Government undertake to collect debts due a citizen.

Mr. President, when we come right down to an analysis of the question, and put the matter squarely before the Senate, we discover, just as the Senator from Georgia, has accurately stated, that there is no cash-and-carry provision with respect to more than 90 percent of all of the exportable merchandise in the United States. There is no cash-and-carry provision with reference to all of those secondary supplies necessary for war. We are told that the only cash-and-carry provision is that which applies to actual munitions of war defined by a proclamation issued under section 12 (i). The specious

argument which has been made as to cash and carry might be openly abandoned by the committee itself.

Let us go one step further in that particular, and point out that when the Senator from Nebraska was on the floor of the Senate recently, the Senator from Nebraska stated he was for the joint resolution because of the cash-and-carry provisions. I asked him to show where they were in the joint resolution, and he could not show them, but he yielded to the Senator from Nevada. I asked the Senator from Nevada where they were, and the Senator from Nebraska yielded the floor, and the very alert Senator from Texas made a point of order and took the Senator from Nevada right off the floor.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. DANAHER. Not at the moment.

I have just a few minutes, and I cannot yield at this time.

Mr. BURKE. The Senator brought me into the picture, so, therefore, I ask him to yield.

Mr. DANAHER. Very well, I yield.

Mr. BURKE. I dislike to interrupt the flow of oratory, but it is perfectly clear, Mr. President, as anyone of intelligence can see, that the measure provides for such a cash-and-carry plan as never was undertaken by any other government in the world.

Mr. DANAHER. Where does the Senator get that? Where is it in the measure? I do not think he can find it.

Mr. BURKE. All through it.

Mr. DANAHER. No, Mr. President; let the Senator mention a sentence.

Mr. BURKE. Mr. President, in the Senator's short time I shall not point out the particular provisions of the measure, but if he does not understand that this measure provides cash and carry for every instance except those instances pointed out just now by the Senator—

Mr. DANAHER. Ninety percent of these articles are exportable merchandise.

Mr. BURKE. That has nothing to do with warfare at all. Of course cash and carry does not apply to those.

Mr. DANAHER. Oh, Mr. President, the President of the United States told us in his message that they had something to do with it. He told us that we ought to be consistent and embargo all munitions, even including scrap iron. I do not know how many times the Senator from Nevada used the words "scrap iron" as illustrative of the fact that that material was not embargoed under the present law. But the Senator from Nebraska tells us that it is a cash-and-carry provision as to all except munitions.

Mr. BURKE. If the Senator will yield again—

Mr. DANAHER. I yield.

Mr. BURKE. Scrap iron is clearly included within the cash-and-carry provision.

Mr. DANAHER. Where does the Senator find that?

Mr. BURKE. Well, let the Senator look for himself. [Laughter.]

Mr. SCHWELLENBACH. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SCHWELLENBACH. How much more time has the Senator from Connecticut?

Mr. CLARK of Missouri. Mr. President, I make the point of order that the Senator from Washington has no right to take the Senator off his feet by a parliamentary inquiry.

Mr. DANAHER. I will make the inquiry myself, if there is need for such thing. I have 18 minutes, have I not?

The PRESIDING OFFICER. Sixteen minutes.

Mr. DANAHER. I thank the Chair.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. DANAHER. Not just now. I will yield in a moment.

There has been an imputation here that there is a strict cash-and-carry provision with regard to so-called munitions. There are those who would undertake to tell us now that there is no cash-and-carry provision as to the more than 90 percent of our exportable merchandise, but that there is a strict cash-and-carry provision as to munitions named in a proclamation to be issued under section 12 (i). In the first place there will be no proclamation under section 12 (i) until the President shall issue a proclamation that there is a state of war.

In the second place, let me point out that in section 7 (a), beginning on page 21, line 9, which purports to be the one which the Senator from Kentucky and others say there is a bar to complete credits, there is no limitation upon the right of a foreign government to hypothecate its bonds, and there is no limitation on the right of a foreign government to pledge its bonds. What it does do, Mr. President, is to say that no person within the United States shall "purchase, sell, or exchange bonds, securities, or other obligations of the government of any state," and consequently, the precise mechanics of how that situation will be handled, as it was handled in the last war, is this—

Mr. BARKLEY. Mr. President, will the Senator yield at that point?

Mr. DANAHER. Yes.

Mr. BARKLEY. But further down it is provided:

Or to make any loan or extend any credit to any such government, political subdivision, or person.

How could the purchaser put up as security bonds issued by some government to obtain credit of any kind without violating this provision?

Mr. DANAHER. I will tell the Senator. Apparently it is a point with which he has not familiarized himself. This is how it will be done, and this is how it is being done, and this is how it was done in 1915, 1916, and 1917. There is no reason in the world why the British Government today cannot sweep up all the British bonds it wants and bring them into the United States. There is no reason why it cannot form a corporation in the city of New York and capitalize that corporation with those British bonds. You then have an American citizen. You then have a person, in other words, within the meaning of this language. That particular person can borrow all he likes, he can buy all he likes, he can order all he likes.

Mr. BARKLEY. Mr. President, will the Senator yield there?

Mr. DANAHER. I yield.

Mr. BARKLEY. What purpose would be served by the British Government or the French Government sweeping up all the bonds that are now in the hands of individuals all over the world and bringing them here, because in order to sweep them up they would have to pay for them, and they could in the meantime pay for the goods here with the money with which they swept up the bonds.

Mr. DANAHER. Does the Senator know how they pay for them? All they have to do is to refinance them, and issue new bonds to the holders of the old bonds, to their own nationals who hold their own bonds, and they bring the valid bonds here, and capitalize corporations with them. That is just what they did before as the record will show. And further they obtained credit on just that kind of an operation.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield on that point?

Mr. DANAHER. Yes.

Mr. SCHWELLENBACH. The Senator has said that they can organize a corporation.

Mr. DANAHER. Yes.

Mr. SCHWELLENBACH. And they would set up a corporation with a certain amount of capital stock, and that they would use the bonds they had swept up throughout the world in order to capitalize that corporation. Now, under the laws in any State of the Union, the sale of the capital stock in the corporation to whomever would own it would require some consideration. If these bonds were used for the purpose of capitalizing that corporation, then that corporation would purchase the bonds of the British Government, which would be in direct violation of the provisions of the financial sections of this particular measure. So there is absolutely nothing to the proposal the Senator makes.

Mr. DANAHER. Mr. President, let me show the Senator from Washington how such bonds are brought in. Let us say the incorporators put an appraised valuation on the goods or property which is being put up in lieu of cash, with which to

organize and to capitalize the corporation. They can place any valuation they choose on the bonds. The moment they do and they comply with the laws of any State, they can form a corporation, and that corporation becomes a corporate person, and that particular corporate person can go to any munitions manufacturer, can place an order, and that particular manufacturer can pledge the contract. He pledges it to his own bank, and borrows all the money he needs for that purpose.

Mr. President, does the Senator overlook the fact that perhaps section 7 (a) of the joint resolution will never become operative until after the President issues his proclamation? Any of us who ever went to a race track will remember that when the announcer says "the horses are now down the stretch, and they are waiting to approach the barrier," a bettor has 5 minutes, and all he has to do is to rush in and place his bet, but when the bell rings the window closes and there is no more betting on that particular race. There is nothing in this measure which says that when the President of the United States decides to act he will not wait until the boys get their bets down.

Mr. President, there is only one reason in the world why paragraph 7 (b) was put in the measure. It was put in for a particular purpose. Those who drew the measure could have said, "Let us put in something about W. P. A." No, they did not want that in. They could have said, "Let us put in something about W. P. A." No, they did not want that. But they did want 7 (b), and they put it in there. And what does it say?—

The provisions of this section—

That means the section dealing with financial transactions—

shall not apply to a renewal or adjustment of such indebtedness as may exist on the date of such proclamation.

Mr. President, the Senator from Nevada was at great pains to explain that the Johnson Act did not affect this. I heard one of the Senators on the other side of the aisle make a reference to the Johnson Act a little while ago. The Senator from Nevada had the foresight to place in the RECORD the statement that the Johnson Act did not apply.

The indebtedness, however incurred, on whatever credit basis they choose to establish it, that exists on the date of the proclamation, is excepted. It is taken out of the provisions of this act. Yes; that is deliberate, it is intentional; it was put in there for the specific purpose of making it possible for an extension of unlimited credit between now and the date when the proclamation shall ring the window down.

There is no other reason in the world for that principle to be stated in the measure than to except precisely and distinctly all debts and all indebtedness that accrues between now and the date of the proclamation. So there is not even a limitation, I will say to the Senate, upon the extension of credit for the export of munitions, whether they are named in section 12 (i) or not.

Mr. President, we are now at the crux of this whole measure. Everybody all over the United States has been led to think that this is a cash-and-carry measure. We have heard now that 90 percent of our exports are not covered by cash and carry. They heard discussion of an amendment the other day which would take out of the provisions of the measure exports which went in American vessels to all the places named by the Senator from Nevada. We now know that all American exports are taken out of the provisions of this bill. We know that all articles intended for belligerents are taken out of the measure.

SEVERAL SENATORS. Vote! Vote!

Mr. DANAHER. No, no, Mr. President. [Laughter.]

Mr. President, reserving the balance of my time on the measure, I send to the desk another amendment. I ask unanimous consent to be permitted to conclude my remarks upon the amendment which I send to the desk and which I will offer later. I will take my time on the amendment now, if I may.

Mr. GEORGE. I object. There cannot be more than one matter before the Senate at one time.

Mr. DANAHER. Mr. President, I will take the time later. My idea was that, so long as all the thought was integrated on the one subject, we might discuss now a number of amendments; but if Senators prefer not to go on with it at this time, I will do so later as soon as I get time.

Mr. President, may I ask the Chair what time I have left? I have 8 minutes left, have I not?

The PRESIDING OFFICER. Four minutes.

Mr. DANAHER. I will reserve my time for the present on the joint resolution.

Mr. CLARK of Missouri. Mr. President, I claim the floor on the first amendment of the Senator from Connecticut [Mr. DANAHER], and I address the Senator and will ask the Senator whether there is any part of his argument which he can legitimately put in the form of questions addressing me? I cannot yield to the Senator to make a speech, but I can yield to him to ask questions.

Mr. DANAHER. Let me put it to the Senator from Missouri this way. Mr. President, if the Senator from Missouri were a member of the American public, to whom it had been represented that the Congress had the alternative of voting to repeal the arms embargo or to accept the strict cash-and-carry measure, and if when he reached here he found that the Senator from Nevada extends to the people of the United States the representation that this is a cash-and-carry measure, and if he found on analysis that it is not a cash-and-carry measure, that 90 percent of all exportable merchandise is not covered at all, and if he found that paragraph 7 (a) makes exception as to credits, providing for unlimited credit, and if he found under section 7 (b) that all indebtedness so created will never be covered until the proclamation shall issue, and then it will be expressly excepted from the provisions of the measure, let me ask the Senator from Missouri would he not think that there had been submitted to the American people a spurious, specious hoax, and that this joint resolution is just that?

Mr. CLARK of Missouri. I will say to the Senator from Connecticut that the assertion that there is any antagonism between the retention of the arms embargo and a real honest-to-goodness cash and carry is an entirely spurious assumption, as I have heretofore pointed out to the country.

I certainly do not intend to vote for any measure which contains the repeal of the arms embargo because I feel that such action would be a fraud on the American people.

Does the Senator from Connecticut desire to ask me any further questions?

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I have already invited the Senator from Connecticut to ask a question.

Mr. SCHWELLENBACH. Is this a general invitation?

Mr. CLARK of Missouri. For the present it is confined to the Senator from Connecticut. I shall be glad to let the Senator from Washington in a little later.

Mr. DANAHER. Mr. President, I appreciate the interest of the Senator from Missouri more than I can tell him. Let me point out, as I frame this question—

Mr. HATCH. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATCH. It is manifest that the Senator from Connecticut is not asking the Senator from Missouri a question. I raise the point of order that the Senator from Missouri is inviting questions in order that the Senator from Connecticut may violate the limitations on the right of debate.

Mr. CLARK of Missouri. I invite the Senator from New Mexico or any other Member of this body to point out anything in the rules of the Senate which prevents a Senator from inviting questions. I have heard that done in this body ever since I was a little boy. I have heard Senators stop and deliberately invite a question, and then refuse to yield to any Senator to answer the question.

Mr. HATCH. Mr. President, I insist on the point of order.

The PRESIDING OFFICER. Will the Senator again state his point of order?

Mr. HATCH. The point of order is that the invitation to the Senator from Connecticut by the Senator from Missouri is a manifest effort on the part of the Senator from Missouri to grant to the Senator from Connecticut time in which he may continue his speech beyond the limitations specified by the unanimous-consent agreement.

The PRESIDING OFFICER. Let the Chair state the parliamentary situation as he understands it.

The Senator from Connecticut had the floor, and the Chair advised him that he had 4 minutes remaining on the joint resolution. Thereupon, as the Chair understands, he yielded the floor to the Senator from Missouri.

Mr. CLARK of Missouri. Mr. President, the Senator from Missouri claimed the floor in his own right.

The PRESIDING OFFICER. The Senator from Missouri claimed the floor in his own right, and the Chair recognized the Senator from Missouri. The Senator from Missouri then issued an invitation to the Senator from Connecticut to ask him any questions.

Mr. CLARK of Missouri. Which I repeat.

The PRESIDING OFFICER. The Senator from Connecticut then asked a 5-minute hypothetical question of the Senator from Missouri. No point of order was made against that question. The Senator from Missouri now again invites the Senator from Connecticut to ask him a question. Up to this time the Senator from Connecticut has not asked any question, so there is nothing for the Chair to rule upon.

Mr. HATCH. Mr. President, I insist on the point of order. We are not children. We know what is taking place on the floor.

The PRESIDING OFFICER. The Chair will say to the Senator from New Mexico that the Senator from Missouri has the floor, and he will have to proceed in line with what the rules require. The Chair thinks the Senator from Missouri should proceed to discuss the amendment in question, or the joint resolution, without offering an invitation to the Senator from Connecticut to proceed with a long question.

Mr. DANAHER. Mr. President—

Mr. CLARK of Missouri. Mr. President, under the rules of the Senate I am in full possession of the floor; and I have a right to proceed in any way I choose.

The PRESIDING OFFICER. The Senator may yield only for a question.

Mr. CLARK of Missouri. I have great respect for the opinion of the present occupant of the chair. Nevertheless, I insist that under the rules I have a right to discuss the question in my own time, in any way I choose, or to volunteer to permit any questions from any other Senator who may desire to ask them.

Mr. HATCH. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. The Chair will say that the Senator from Missouri has the floor—

Mr. CLARK of Missouri. Mr. President, I hope this parliamentary controversy will not be taken out of my time.

The PRESIDING OFFICER. Let the Chair proceed. The Senator from Missouri has the floor, and he has the right to yield to any other Senator for a question; but the Chair will state that he has not the right to yield to another Senator for a speech. That is exactly what the Senator from Connecticut was doing a moment ago.

Mr. HATCH. Mr. President, will the Senator yield to me?

Mr. CLARK of Missouri. I shall be glad to yield later. I ask the Chair if he can lay his finger upon any rule of the Senate which provides that one Senator may not yield to another Senator for a question, whether he invites the question or not.

The PRESIDING OFFICER. The Chair will say to the Senator that the Parliamentarian advises him that there is no such rule, but that there are many precedents for the position taken by the Chair.

Mr. CLARK of Missouri. Then I say the Chair is absolutely wrong. It was ruled by the present Vice President of the United States, in the famous Huey Long filibuster, that it was proper for the Senator from Louisiana, Mr. Long, to yield to the Senator from Nevada [Mr. McCARRAN] for a 45-minute hypothetical question.

If the Parliamentarian advises the Chair that that ruling is incorrect, then the Parliamentarian is overruling the present Vice President of the United States, who has never been overruled before. [Laughter.]

Mr. HATCH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATCH. If a Senator is dissatisfied with the ruling of the Chair, what is the proper parliamentary procedure?

The PRESIDING OFFICER. As the Chair understands, he may take an appeal from the decision of the Chair.

Mr. CLARK of Missouri. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK of Missouri. As I understand, the Presiding Officer has not ruled. He has merely advised the Senator from Missouri what his own personal opinion is. Therefore there is nothing from which an appeal could now be taken. Is that correct?

The PRESIDING OFFICER. The point of order made by the Senator from New Mexico [Mr. HATCH] came too late, insofar as what transpired between the Senator from Connecticut and the Senator from Missouri was concerned. The Senator from Missouri yielded to the Senator from Connecticut for a second inquiry, and thereupon the Senator from New Mexico made the point of order.

Mr. DANAHER. Mr. President, will the Senator yield to me for just a moment? I think perhaps I can end the discussion.

Mr. CLARK of Missouri. I yield for a question.

Mr. DANAHER. I will state to the Chair that I had in mind asking only one question of the Senator from Missouri.

The PRESIDING OFFICER. The Senator may ask his question.

Mr. DANAHER. I will say to the Senator from Texas, who has not the floor, but who asked the question—

Mr. CLARK of Missouri. The Senator may take as long as he pleases with the question, and I shall deal with the parliamentary situation when it arises.

The PRESIDING OFFICER. In reply to the Senator from Missouri the Chair will state that the Chair will deal with whatever parliamentary situation may arise.

Mr. DANAHER. I ask the Senator from Missouri if he has followed my argument as I offered it—I hope it was logical and clear, and I am certain it has not been disputed at any time up to now—can we not cure the difficulty with reference to section 7 (a) and the difficulty with reference to section 7 (b) if we make both those sections operative as of September 3, 1939, and thereby take into account the situation as it existed when the President issued his outstanding proclamation?

Mr. CLARK of Missouri. I have no question whatever about that.

Mr. President, I yield the floor.

SEVERAL SENATORS. Vote! Vote!

Mr. JOHNSON of California. Mr. President, I wish to make plain for the purpose of the Record that we have no cash-and-carry plan in the pending measure. The character of the cash-and-carry plan in the pending measure is a fraud, a delusion, and a snare.

Mr. President, I wish to read the statement of Mr. Bernard Baruch, made when we were first considering the cash-and-carry plan. These were his words:

In the first place, money and credit are on a very different basis than is merchandise. No nation is a continuing source of credit to another. When you sell merchandise your interest ends. When you loan money it has only begun. The moment a neutral begins to loan money or advance credit to a belligerent, it has given a hostage to fortune. "Where your treasure is, there will your heart be also." This country should absolutely refuse to finance either side in a foreign war, publicly or privately, either by loans or advance of credit, no matter what would be the pledge or collateral, and no matter how persuasive the appeal. For whatever we sell we should have only one formula—cash on the barrel head.

How often have we heard that in recent years, from the President down. We have heard many men talk of cash on the barrel head. This is the first and great commandment for our peace, our prosperity, and our unassailable neutrality.

Our legislation already provides for this; and we should never alter it.

Mr. President, I shall not consume much time in the discussion of this question. I recognize the futility of discussion, particularly at this time. I will not put myself in the position of being howled down by the United States Senate or of having the United States Senate render a verdict concerning the matter. I recite what Mr. Baruch said because he was the author of the cash-and-carry plan, and he was telling us exactly what it was and what it should be under all circumstances. We thought we had adopted his plan. We now have a measure that is shot full of holes so far as the cash-and-carry plan is concerned. There is not any cash and carry to it. Therefore I want the RECORD to show that it is exactly the reverse of what we imagine it to be.

SEVERAL SENATORS. Vote! Vote!

Mr. SCHWELLENBACH. Mr. President, I appreciate the fact that the Members of this body are anxious to vote. However, in view of the statements which have been made in the past half hour, I am not willing to let the RECORD stand without some effort to correct it.

The Senator from California [Mr. JOHNSON] told us about the testimony of Mr. Baruch, in which he said that cash must be paid "on the barrel head," and that no credit should be allowed. He has told us that we have heard, from the President down, that we had a cash-and-carry measure.

Mr. President, there was not any cash involved in the 1935 act. There was not the slightest semblance of cash involved in the 1937 act. When anyone says that we now find the cash provision riddled, he is not presenting the facts about the situation, and the American people are entitled to know the facts.

Mr. JOHNSON of California. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. The pending measure is infinitely stronger than the measure which was passed in 1935.

The PRESIDING OFFICER. Does the Senator yield to the Senator from California?

Mr. SCHWELLENBACH. I yield.

Mr. JOHNSON of California. Let us concede that, if it is desired. It has been reported as a cash-and-carry measure. It has been boasted as a cash-and-carry measure. Practically everyone who has made a speech upon the radio has talked of the cash-and-carry provisions. Every Member of this body who is connected with the measure in any way has spoken of it as a cash-and-carry measure.

Mr. SCHWELLENBACH. Mr. President, I think the Members of this body in 1935 and 1937 who were the sponsors of this kind of legislation certainly are entitled to very high credit for the efforts they put forth in reference to the legislation. I am not detracting in the slightest way from the efforts put forth by the Senator from Missouri and the Senator from North Dakota. However, despite the fact that the testimony of Mr. Baruch was given, the people of this country were told, not by the administration but by these gentlemen, in 1935 and in 1937 and all during this time that we had a cash-and-carry law. As a matter of fact, there was not any cash in it. So far as transactions between individuals in this country and individuals in belligerent countries were concerned, there was not any cash whatever in it on any type of goods.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. LODGE. Except on arms.

Mr. SCHWELLENBACH. No; there was not any. Arms were prohibited.

Mr. LODGE. The Senator does not contend that the pending joint resolution is more of a limitation on arms than the previous legislation was, does he?

Mr. SCHWELLENBACH. I am talking about cash and carry. Under the previous measures it is true that arms could not be shipped at all, so the question of cash and carry was not involved, but so far as any goods shipped by an individual in this country to an individual in any belligerent country were concerned, there was no cash involved.

Then there was section 7, with reference to financial transactions. It provided, just as the present joint resolution does, that we could have no credit transactions with belligerent governments. We could not purchase, sell, or exchange their stocks or bonds or other securities, and we could not extend credit to them. But the section also had in it a proviso which gave to the President the discretionary power of extending credit on ordinary commercial transactions, using the term "short-term credits." There was no definition of short-term credits. There was nothing in the law which has been flaunted to the American people for the past 4 years as being cash and carry which did not give to the President the power to extend short-term credits under any definition that he wanted to use of short-term credits, even up to a year.

In this joint resolution we tried to strengthen the cash-and-carry provision. We said that so far as the sale of any articles described under a proclamation included arms, ammunition, and implements of war it must be for cash. We first took the proviso which gave to the President complete discretion so far as the extension of ordinary commercial transaction credits was concerned and we tightened it up in three particulars. We said that the obligation had to show upon its face that it was not renewable. We said that if it was not paid within the period of 90 days no more credit could be extended; and we said that the credit could not be for more than 90 days. Instantly the alarm went up from those who were opposed to the pending joint resolution saying that we were offering 90-day credit.

Talk about attempting to deceive the American people. Talk about anything being spurious in the form of argument. What we did was to try to place three limitations upon that credit; and immediately Senators on the other side who are opposed to this joint resolution pounced upon the radio and said that we were extending 90-day credit.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. CONNALLY. Is it not true that under the present embargo law the President could exempt any character of credit for any period of time, and that the original measure curtailed that power and limited it to 90 days?

Mr. SCHWELLENBACH. That is the point I have been trying to make; but when we tried to limit the credit, when we tried to say it could not be for more than 90 days, the radios were filled with the voices of gentlemen saying, "Why, they are extending 90-day credit!"

We took that exception out when some were not satisfied with our efforts to tighten up the credit written into the measures introduced by the Senator from Missouri and the Senator from North Dakota in 1935, 1936, and 1937. We took out that exception entirely, and provided that the President should have none of that power; and then the Senator from Connecticut [Mr. DANAHER] comes here today and says that this is spurious.

I like the Senator from Connecticut. He is a most genial, jovial gentleman, and I have appreciated my association with him here.

Mr. LEE. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. LEE. Under the present law, is there a cash-and-carry provision at all?

Mr. SCHWELLENBACH. Under the present law there is, so far as the sale of goods is concerned, no cash provision whatever, and there never has been in the law.

Mr. LEE. Then if the Pittman joint resolution is killed, we shall have no cash-and-carry provision at all. Is that true?

Mr. SCHWELLENBACH. That is true; yes. Of course even what I suppose the Senator from Connecticut would call the "spurious" section 2 of the last act, which was represented to the people of the country by those who were opposed to this legislation as being a cash-and-carry provision, expired on the first day of May.

Mr. LEE. Then those who vote to kill this joint resolution, which does offer cash and carry, will be voting against cash

and carry, and to support a law which does not provide cash and carry. Is that true?

Mr. SCHWELLENBACH. That will be the situation.

Mr. LODGE. They will be voting to prevent the sale of arms.

Mr. WILEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Wisconsin?

Mr. SCHWELLENBACH. I do.

Mr. WILEY. I am trying to get this matter of cash and carry down to a concrete basis.

As I understand, under the pending joint resolution, if it becomes law, the cash will cover the 13 percent of exports which we have heretofore referred to as arms, ammunition, and implements of war. That is correct, is it not?

Mr. SCHWELLENBACH. If the percentage now is the same. It would cover arms, ammunition, and implements of war or anything that the President says constitutes arms, ammunition, and implements of war.

Mr. WILEY. Very well; 13 percent is the proportion of total exports made up of arms, ammunition, and implements of war that was sold from 1914 to 1917. Has the Senator any information to show what the total purchases were which were made by the Government or Government agencies from 1914 to 1917 which would now, as I understand, be covered by the cash-and-carry clause?

Mr. PITTMAN rose.

Mr. SCHWELLENBACH. I have not those figures. I will yield to the Senator from Nevada to supply them.

Mr. PITTMAN. Mr. President, at that time all the cotton and all the wheat, which constituted the largest portion of the purchases not consisting of arms and ammunition, were purchased by the belligerent governments or their agents.

Mr. WILEY. Yes. Consequently, under the Senator's joint resolution—

Mr. PITTMAN. They would be cash purchases.

Mr. WILEY. That is what I am getting at. Then, what is the percentage that would be cash and carry, in the judgment of the Senator from Nevada?

Mr. PITTMAN. It is safe to say, under the proposed law, 95 percent.

Mr. CLARK of Idaho. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield to the Senator from Idaho.

Mr. CLARK of Idaho. Of course, the Senator from Washington makes a very consecutive and a very logical argument, and insofar as his premises go he is obviously correct; that is, that the joint resolution we are now considering does contain a little more stringent provisions than the cash-and-carry law which expired by limitation last May, and to that extent the proposed law represents a tightening up. There is no question about that. The Senator is perfectly correct.

Mr. SCHWELLENBACH. The Senator from North Dakota [Mr. Nye] this afternoon offered a substitute. He did not tighten up in that substitute so far as the question of cash is concerned. Nobody who is opposed to the joint resolution would want to do that.

Mr. CLARK of Missouri. That is true. The only difficulty that arises, as I see it, even under the 90-day credit provision in the proposed law—

Mr. SCHWELLENBACH. There is no 90-day credit provision in the proposed law.

Mr. CLARK of Idaho. I understand that; but, even as originally drafted, the 90-day provision in the proposed law was a more stringent limitation than the provision in the cash-and-carry law which expired by limitation.

Mr. SCHWELLENBACH. That is correct.

Mr. CLARK of Idaho. Now the difficulty arises, however—and that is the point of the Senator from Connecticut—that certain representations were made by the President and by the administration, if you please, at the time the present measure was proposed. Let me read from the President's language just one sentence, if the Senator will bear with me. He sets out the objectives of the proposed legislation, and then he says—and I quote:

The result of these last two [objectives] will be to require all purchases to be made in cash—

All purchases—

and cargoes to be carried in the purchasers' own ships, at the purchasers' own risk.

The point of the Senator from California and the Senator from Connecticut obviously is not that the proposed law is a restriction on the law which expired by limitation but that a misrepresentation has been made to the extent that this is not a cash-and-carry measure.

Mr. SCHWELLENBACH. Let me answer the Senator. Talk about representations! Speeches have been made around the country—I do not say this at all in a critical way—but speeches have been made around the country since 1935 telling the people of the country that the old act provided for cash, and yet there was not the slightest semblance of cash in it.

The people of the country, the people up in the galleries, have been hearing about cash and carry not merely since the President's message on the 21st of September; they have been hearing about cash and carry since 1935. What we have done is to try to tighten up the cash provisions to a greater extent than anybody ever suggested prior to that time.

The Senator talks about the President's representation. The President has not made any representation to anybody. He delivered a message in the House. There has been a great deal of criticism in the past few years to the effect that the President of the United States wrote bills and told us how we had to pass them, and sent them up here, and that all we did was to pass on them. This is a measure which the President did not write. He came up here and delivered a message in which he suggested certain things; and the committee of the Senate itself has presented a joint resolution which certainly was not written by the President or by the State Department or by anybody else outside of Congress.

We ourselves wrote the joint resolution; and certainly no criticism can be made that statements have been made from the top to the bottom, from the President down, representing that this measure provided for cash. All the President did was to submit a message.

Mr. CONNALLY. Mr. President—

Mr. SCHWELLENBACH. I yield to the Senator from Texas.

Mr. CONNALLY. Let me ask the Senator from Washington if it is not true that the original slogan, "cash and carry," was applied to the Neutrality Acts of 1935 and 1937. We always spoke about the expiration of the cash-and-carry provision.

Mr. SCHWELLENBACH. My understanding is—I am not sure about this, but my understanding is—that Mr. Baruch, after seeing the joint resolution of 1935 said, "Why, that is not a cash-and-carry measure. That is a come-and-get-it measure."

Mr. CONNALLY. If the Senator will yield, Mr. Baruch made his appearance before the Foreign Relations Committee during the present year. This cash-and-carry talk has been going on ever since the original Embargo Act. Some persons always refer to the expiration of the cash-and-carry provision of the Embargo Act. Mr. Baruch's appearance before the Foreign Relations Committee was in the present year.

Mr. SCHWELLENBACH. I understand that the term "cash and carry" was invented in 1935 by that brilliant autobiographer, Mr. Raymond Moley. He was the one who did it.

Mr. BARKLEY and other Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield; and, if so, to whom?

Mr. SCHWELLENBACH. I yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, I simply desire to ask the Senator from Washington if it is not true that in the very message from which the Senator from Idaho [Mr. Clark] has quoted, delivered to the two Houses in joint session on the 21st day of September, the President emphasized the fact that, after all, it was for Congress to determine the method and

manner by which the general principles which he was advocating should be carried out, and in the spirit of that suggestion the committee wrote this joint resolution?

Mr. SCHWELLENBACH. That statement was very definitely made; and I know from personal experience that when we wanted to get some information from the Maritime Commission there was a question as to whether or not they could furnish it because they had received orders not to participate in writing this measure.

Mr. WILEY. Mr. President—

Mr. SCHWELLENBACH. I yield to the Senator from Wisconsin.

Mr. WILEY. Personally, I am not so much interested in phraseology as I am in what the actual operation will be. I should like to know whether anyone will dispute the statement of the Senator from Nevada [Mr. PITTMAN] when he said, in substance, that if the joint resolution which is now before this body for action had been in operation in 1914 to 1917, 95 percent of what was then sold would have been paid for in cash. That is in substance the answer of the Senator, is it not?

Mr. PITTMAN. Yes. My answer was that the proposed legislation, as now amended, not only provides that the government of the belligerent must pay substantially cash, but during the World War, as it developed, all purchases were practically made by or for a government, and it was the government credit which was back of all the purchases. They were not all made by the government. They were made by the various agencies of the British and French Governments, sometimes in this country and sometimes not.

The joint resolution has been amended so as to include not only those direct agencies, but any nationals of those countries who buy any of the articles listed by the President as arms, ammunition, and implements of war. So I still contend that, whether bought by the government or by the agency of the government, or by nationals who were selling to the government, 95 percent of them would come within the financial clauses we now have in the proposed act.

Mr. WILEY. In other words, 5 percent, then, would represent merely dealings between citizens of this country and the Allied countries, and 95 percent would represent dealings between this country or citizens of this country and the Allied Governments and their agencies?

Mr. PITTMAN. Exactly.

The PRESIDING OFFICER (Mr. MINTON in the chair). The time of the Senator from Washington on the amendment has expired.

Mr. TAFT. Mr. President, while this matter is being discussed I should like to ask the chairman of the Committee on Foreign Relations one question regarding this section. On page 21 it is provided that whenever the President shall have issued a proclamation it shall be unlawful for any person within the United States to advance credits to foreign governments. I wish to know whether or not the chairman of the Committee on Foreign Relations considers that the word "person," which is also defined on page 30 as including corporations, and so forth, is broad enough to include the Reconstruction Finance Corporation and the Export-Import Bank.

Mr. PITTMAN. The word "person" expressly includes corporations, and I therefore take it that it does include them.

Mr. TAFT. In the Senator's opinion, it includes the Reconstruction Finance Corporation and the Export-Import Bank?

Mr. PITTMAN. That is my opinion, and that was the opinion of those who drafted the joint resolution.

Mr. GEORGE. Mr. President, I wish to make a short statement. Particularly I wanted to say that my construction of the word "person" is identically the same as that given by the chairman of the committee. I think that is pertinent, because in effect it covers precisely one of the amendments offered by the distinguished Senator from Ohio, which was voted down in this body yesterday. I think the word "person" here does include a subsidiary of the Govern-

ment, a corporate subsidiary such as the Reconstruction Finance Corporation, or any other corporation which is owned wholly or practically wholly by the Government itself.

Mr. TAFT rose.

Mr. GEORGE. I was merely adding my interpretation of the language, and I particularly wished that it go into the Record, because I think it is important.

Mr. President, I should like to say just a few words with reference to the amendment offered by the Senator from Connecticut which is the basis of all the present discussion.

The joint resolution very clearly puts on a cash basis all purchases by any belligerent state, after it has been found to be in a state of war by the President, and so proclaimed, and it also puts on a cash basis all money transactions, all financial transactions by that government, acting directly or through any agency or through any one acting in its behalf.

The joint resolution reenacts in practically identical language the Johnson Act as we know it, and adds specifically a provision beyond the terms of the Johnson Act; that is to say, it includes the language "or extends any credit to any such government, political subdivision, or person." The words "extends any credit" are not found in the Johnson Act. Therefore there is language and there is a provision in the joint resolution beyond even the rigid terms of the Johnson Act.

Of course, the Johnson Act applied only to transactions with those foreign countries which were in default to the United States Government. The Johnson Act is not repealed by the pending measure. There was some early discussion upon that point, and I want to make my own position clear. The Johnson Act stands, it is not affected by, it is not touched by this proposed act at all, but this measure reenacts the Johnson Act with added language so far as any transactions by any belligerent government are concerned.

After a government has been at war, and after it has been found to be at war, and it has been so proclaimed by the President, all sales, all financial transactions, must be on a cash basis. Great Britain, France, Germany, can buy nothing from the United States or from any citizen in the United States or any corporation in the United States except for cash. So long as the war continues, these transactions are all on a cash basis.

Mr. President, that is true whether the purchases by the government be of arms and munitions or whether they be of foodstuffs, whether they be of wheat, or tobacco, or lumber, or cheese, or what not; every transaction by the government must be on a cash basis.

Not only is that true, but every sale by any individual in the United States to any individual or firm in any one of the states at war of any arms, ammunition, or implements of war, or anything classed as arms, ammunition, or implements of war by the President under the authority given him in this act, is to be treated as a sale to the government and must be made for cash.

What is there left? Nothing but the ordinary peacetime commerce that goes on between citizens in the United States and citizens in Great Britain or France or Germany. What happens with respect even to that? The title, the right, and the interest—the entire right, title, and interest of every American citizen to every article and all materials sold to any individual in any country at war must pass before the article or merchandise or material can move from our shores.

Not only that, but no loss sustained by any citizen of the United States on account of the passing of the title or his interest or his right in the merchandise, articles, or materials of whatever kind to any citizen or corporation in any state at war shall ever be put forward as the basis of a claim by the United States on behalf of that citizen.

Therefore, what have we? We have this simple situation, which, if looked at factually, need give no apprehension to anyone. We have a war going on between Germany, Great Britain, and France at this moment. The individual American citizen who must give up not only his title but all of his claim of right and interest in the property in the face of a statute which says that the Government will never assert a

loss which he may sustain on that account, if he has one, is going to deal with individuals and firms and corporations in Great Britain, France, and Germany on a cash basis.

Suppose American citizens do not follow that practice; that is their business. If there is an established trade, for instance, if a cotton merchant in New Orleans, La., has an established trade with a Manchester mill, a private corporation, in Great Britain, if he still elects to extend some credit to his customers in Great Britain, he is taking all of the risk, he can retain no title to the cotton which he sells, no claim of right in the cotton, no lien on the cotton, no interest in the cotton. He is taking more risk than that. If he sustains any loss on account of that transaction, the Government will never put forward any claim on his behalf on account of the loss.

Mr. President, that is as far as any government can go, so far as transactions between individuals in our country and individuals in the belligerent countries are concerned, unless we wish to cut off all extension of credit, all commercial relationships with individuals within those countries.

Mr. JOHNSON of California. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. JOHNSON of California. I wish to point out the fact, if it is a fact, that as to all the latter class of transactions the Senator has suggested, there is no such thing as cash and carry. That is true, is it not?

Mr. GEORGE. No; that is not true. I want the Senator to understand it. There is no requirement that cash be paid by the purchasing citizen of any one of the belligerent states unless the article be such an article as is classed by the President as arms, ammunition, or implements of war.

Mr. JOHNSON of California. That is as I understand it.

Mr. GEORGE. That is the single exception; except this, that the title of the American citizen must pass, and all claim of right or interest in the property shipped must pass.

Mr. DANAHER. Mr. President, will the Senator from Georgia yield?

Mr. GEORGE. I yield.

Mr. DANAHER. In his message to us the President said:

The fourth objective is the preventing of war credit to belligerents.

The Senator will doubtless remember that.

He also said the result of making that situation possible "will be to require all purchases to be made in cash and cargoes to be carried in the purchasers' own ships, at the purchasers' own risk." But that is not the situation which is presented by this joint resolution, is it?

Mr. GEORGE. Mr. President, as I understand the President's statement, it is exactly covered by the joint resolution. The President had in mind, of course, and he was discussing, extension of credit to a belligerent country.

Mr. BROWN. Mr. President, will the Senator yield to me on that point?

Mr. GEORGE. I yield.

Mr. BROWN. The Senator from Connecticut does not read the whole paragraph which I find in the President's speech. I submit that no fair-minded man can read it without coming to the conclusion which the Senator from Georgia has just stated. The joint resolution fully covers what the President was aiming at in this paragraph. I will read it:

The fourth objective is the preventing of war credits to belligerents. This can be accomplished by maintaining in force existing provisions of law, or by proclamation making it clear that if credits are granted by American citizens to belligerents—

It is not to citizens but belligerents—

our Government will take no steps in the future to relieve them of risk of loss. The result of these last two—

Those two are stated plainly in the paragraph—

The result of these last two will be to require all purchases to be made in cash—

What purchases? Purchases by belligerents?

Mr. GEORGE. Undoubtedly that is true.

Mr. BROWN. He continues:

and cargoes to be carried in the purchasers' own ships at the purchasers' own risk.

Mr. GEORGE. Undoubtedly that is true.

Mr. BROWN. I say the construction the Senator from Connecticut puts upon that paragraph is entirely unfair. It is not what the President said.

Mr. DANAHER. Mr. President, will the Senator from Georgia yield to me a moment?

Mr. GEORGE. I yield to the Senator for a question. I was about to yield the floor.

Mr. DANAHER. I wish to call the Senator's attention to the fact that it is not the United States which sends exports abroad, it is the belligerent country that buys the goods for export.

Mr. GEORGE. Then it must pay cash. It does not make any difference what the belligerent government buys. If it buys a shoestring or a cannon, it must pay cash.

Mr. DANAHER. Does the Senator find that in section 7 (a)?

Mr. GEORGE. Undoubtedly so.

Mr. DANAHER. What is the Senator's construction of 7 (b)? What is its purpose?

Mr. GEORGE. Section 7 (b) is simply a part of the Johnson Act transposed into this bill, and it permits a transaction already made, before any war arose, to be a debt to be renewed.

Mr. DANAHER. Will the Senator yield further?

Mr. GEORGE. I yield.

Mr. DANAHER. It also will apply to all transactions or all indebtedness that may be incurred between the date of the repeal of the law on the books and the issuance of a proclamation under the pending joint resolution, will it not?

Mr. GEORGE. I do not think there will be any hiatus when we finish the measure. We obviously cannot put in all amendments at one time.

Mr. DANAHER. Is not the construction that I placed upon it correct, as I posed it in the question?

Mr. GEORGE. I did not understand the question.

Mr. DANAHER. Mr. President, I am sorry.

Mr. PITTMAN. While there is the enormous danger which the Senator fears—and he seems to be exceedingly nervous about it—there is no doubt that the signing of this measure, if it is signed, and the new proclamation will be simultaneous. But simply to avoid that hiatus of 1 minute or 1 second an amendment will be offered to keep in force and effect the other proclamations until this proposed legislation goes into effect.

Mr. DANAHER. I should like to ask the Senator one other question. I had an amendment which I intended to offer to make effective paragraphs 7 (a) and 7 (b) as of September 3, 1939. Is that conceivably possible in the Senator's view?

Mr. PITTMAN. No. While the Senator from Connecticut can no doubt draft the bill very much better than the others of us, we are drafting it a little differently. We are taking care of it in another way.

Mr. DANAHER. I am glad of that.

SEVERAL SENATORS. Vote! Vote!

Mr. LA FOLLETTE. Mr. President, I desire to state that I offered an amendment which was intended to meet the same situation which the Senator from Connecticut seeks to reach. I tried to accomplish it in a different way, but in view of the lateness of the hour I simply want the RECORD to show that I shall not offer this amendment, and shall vote for the amendment proposed by the Senator from Connecticut when the opportunity presents itself.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Connecticut [Mr. DANAHER] to the committee amendment.

Mr. JOHNSON of California. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. SHIPSTEAD (when his name was called). I transfer my pair with the senior Senator from Virginia [Mr. GLASS].

to the senior Senator from Washington [Mr. BONE], and will vote. I vote "yea."

The roll call was concluded.

Mr. MINTON. I announce that the senior Senator from Washington [Mr. BONE] and the senior Senator from Virginia [Mr. GLASS] are absent from the Senate on account of illness.

The senior Senator from Arizona [Mr. ASHURST] is absent on account of illness in his family.

The Senator from Alabama [Mr. BANKHEAD] is unavoidably detained.

Mr. HARRISON (after having voted in the negative). I inquire if the Senator from Oregon [Mr. McNARY] has voted?

The PRESIDING OFFICER. The Chair is informed that the Senator has not voted.

Mr. HARRISON. I transfer my pair to the senior Senator from Alabama [Mr. BANKHEAD] and permit my vote to stand.

The result was announced—yeas 30, nays 60, as follows:

YEAS—30

Barbour	Donahey	Lundeen	Tobey
Bulow	Downey	McCarran	Townsend
Capper	Frazier	Maloney	Vandenberg
Chavez	Gurney	Nye	Walsh
Clark, Idaho	Holt	Reed	Wheeler
Clark, Mo.	Johnson, Calif.	Reynolds	Wiley
Danaher	La Follette	Shipstead	
Davis	Lodge	Taft	

NAYS—60

Adams	George	King	Russell
Andrews	Gerry	Lee	Schwartz
Austin	Gibson	Lucas	Schwellenbach
Bailey	Gillette	McKellar	Sheppard
Barkley	Green	Mead	Slattery
Bilbo	Guffey	Miller	Smathers
Bridges	Hale	Minton	Smith
Brown	Harrison	Murray	Stewart
Burke	Hatch	Neely	Thomas, Okla.
Byrd	Hayden	Norris	Thomas, Utah
Byrnes	Herring	O'Mahoney	Truman
Caraway	Hill	Overton	Tydings
Chandler	Holman	Pepper	Van Nuys
Connally	Hughes	Pittman	Wagner
Ellender	Johnson, Colo.	Radcliffe	White

NOT VOTING—6

Ashurst	Bone	Glass	McNary
Bankhead	Borah		

So Mr. DANAHY's amendment to the amendment of the committee in the nature of a substitute was rejected.

Mr. ADAMS. Mr. President, earlier in the day an amendment was submitted by the Senator from Iowa [Mr. GILLETTE] and was adopted. I was not in the Chamber at the time, and I think many other Senators were not present. I am looking for the Senator to see if he is present.

Mr. BROWN. Mr. President, I have just sent a page for the Senator from Iowa.

Mr. ADAMS. Mr. President, a study of the amendment as adopted led me to believe that it would be a very serious mistake to retain it, and it is my purpose therefore, and I shall move if I cannot obtain unanimous consent, which I would not ask for until the Senator from Iowa [Mr. GILLETTE] returns, that the vote by which the amendment was agreed to may be reconsidered.

Mr. President, the amendment deals with the financial-transactions section of the measure. As reported from the committee, all purchases, sales, and exchanges of the bonds, securities, or obligations of a belligerent government, or any of its agencies, issued after the date of the President's proclamation, were made unlawful.

The amendment offered by the distinguished Senator from Iowa [Mr. GILLETTE], who has just come into the Chamber, extends these provisions by making them applicable to securities issued before the President's proclamation. In other words, securities which today are in the hands of insurance companies, in the hands of investors, even in the hands of foreign governments, and foreign purchasers, acquired in good faith prior to the date of the President's proclamation, become unavailable for sale or exchange in the United States, with the single exception that they might be

so sold or exchanged if they belonged to an American citizen. But it means that the vast amount of the bonds of Canada, of Australia, of New Zealand, of France, of Great Britain, issued in past years, which are held by American insurance companies, held by investors, which are in the funds in this country today, which are to be used or expected to be used for the purchase of foodstuffs and supplies to be shipped to Europe, will cease to be available.

In other words, so far as those abroad are concerned, by the provisions of the measure presented by the committee, we have prevented the use of any bonds issued after the commencement of war. That is, we have taken the position that we will not permit our people to aid in financing the war by the purchase or exchange of securities issued thereafter. But by this amendment we are reaching back and depreciating—almost invalidating—securities issued during a time of peace, purchased and held by the endowments of colleges, by insurance companies, and by foreign governments such as Holland, Belgium, and others who may wish to make purchases here.

It seems to me the amendment goes beyond what I am sure the Senator from Iowa wished to accomplish. I therefore ask the Senator from Iowa if it would be acceptable to him to grant unanimous consent for the reconsideration of the vote by which his amendment was agreed to?

Mr. GILLETTE. Mr. President, I will say to the Senator from Colorado that at this stage of the proceedings, when we are all anxious to finish, I would much prefer not to do so. I believe the matter can be taken care of in conference.

Mr. ADAMS. Mr. President, I move that the vote by which the amendment of the Senator from Iowa was agreed to be reconsidered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Colorado.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment offered by the Senator from Iowa to the committee amendment in the nature of a substitute. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 16, line 19, beginning with the word "there", it is proposed to strike out through the word "to" in line 20, and to insert in lieu thereof the following:

Or to purchase, sell, or exchange bonds, securities, or other obligations of any such Government, political subdivision, or person, issued before the date of such proclamation where the legal or equitable title or beneficial interest in any such obligations was vested on such proclamation date in a person other than a citizen of the United States.

The amendment to the amendment was rejected.

Mr. ADAMS. Mr. President, while I have the floor I ask the chairman of the Foreign Relations Committee if he will consider a suggested textual amendment.

On page 16 of the joint resolution, near the bottom of the page, is the provision that when articles go aboard a ship, the shipper must make a declaration that—

There exists in no citizen of the United States any right, title, or interest in such articles or materials, and to comply with such rules and regulations as shall be promulgated from time to time.

This is the portion which I thought should be amended:

Any such declaration so filed shall be a conclusive estoppel against any claim of any citizen of the United States of right, title, or interest in such articles or materials.

It has occurred to me—although perhaps an unlikely situation—that through some controversy over title, or some error, goods belonging to a citizen might be placed on a vessel without his knowledge or consent. For example, the wrong goods might be unloaded at a warehouse, or grain might come out of the wrong elevator; and this provision would absolutely forbid the rightful owner to reclaim his property.

I was about to suggest to the chairman of the committee that we insert after the words "United States" the words "having knowledge of such shipment or of such declaration." Then the owner would not be estopped unless he had knowledge of the shipment or of the declaration. A person who

was innocent of the shipment would not lose all opportunity to claim his own property by reason of the declaration of a shipper made without his knowledge.

Mr. PITTMAN. I have no objection.

Mr. ADAMS. I offer the amendment.

The PRESIDING OFFICER. The amendment offered by the Senator from Colorado will be stated.

The LEGISLATIVE CLERK. On page 17, line 1, after the words "United States", it is proposed to insert the words "having knowledge of such shipment or of such declaration."

Mr. REED. Mr. President, I take this opportunity to address the Senate because this is the first time this week I have been present. I hope the Senator from Colorado will pardon me for breaking in on his amendment, in which I have no particular interest, except that I am in favor of it.

I am on leave of absence from the Naval Hospital until 9 o'clock. I came to the Chamber with the hope that the debate would have been concluded and that we would be ready to vote upon the main question. If I am present at the time the vote is taken, I shall vote for the motion, which I understand will be offered by the Senator from Missouri [Mr. CLARK], to retain the arms embargo. If that motion fails—and I assume it will—I shall then vote for the passage of the joint resolution. I think that is pretty well understood among my colleagues.

Mr. President, I am a new Member of the Senate. I had not imagined that so much "hooey" would be indulged in by both sides as there has been in this debate, with all due respect for my colleagues upon both sides.

In the first place, Mr. President, I do not think—and I do not think anybody else who approaches this question fairly and squarely thinks—that the present law is unneutral. Yet, beginning with the distinguished Senator from Nevada [Mr. PITTMAN], the chairman of the Foreign Relations Committee, followed by much sound and fury from Senators who spoke on his side, we have heard much talk about an unneutral working of the present law, which I think is all balderdash, not to say poppycock.

In the second place, Mr. President, lest my friends on the other side become too enthusiastic, I do not think the repeal of this law is the first step into war. We have had 3 or 4 weeks of debate, premised, in my opinion, upon foundations which, at least, lack solidity.

I beg the indulgence of the Senate, because I have not occupied any time in this debate. Able, eloquent, and voluble Members of the Senate on both sides have taken all the time that was necessary to inform the country as to their views, and they have done a good job of it. I am here only because I am on leave of absence, which expires in an hour and 5 minutes. I wished only to explain my own position and my lack of agreement with either side in their most important premises, and to tell the Senate how I shall vote if the roll call shall come before I am required to leave the Chamber under the orders of the hospital doctors, who are a pretty tough bunch. [Laughter.]

I wished to have this opportunity of explaining my views to the Senate, and for the RECORD, in the event that I am not able to be present when the vote is taken.

I thank the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. ADAMS] to the committee amendment in the nature of a substitute.

The amendment to the amendment was agreed to.

Mr. PEPPER. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Florida will be stated.

The LEGISLATIVE CLERK. At the end of section 2 (f), before the period, it is proposed to insert a semicolon and the following:

and the provisions of subsections (a) and (c) of this section shall not apply to the transportation referred to in this subsection and subsections (g) and (h) of any articles or materials listed in a proclamation issued under the authority of section 12 (i) if the articles or materials so listed are to be used ex-

clusively by American vessels, aircraft, or other vehicles in connection with their operation and maintenance.

Mr. PEPPER. Mr. President, I think the offer of this amendment arises from some inadvertence in omitting from the draft which is now before the Senate certain language which was provided for in the original draft submitted by the Foreign Relations Committee.

I wish to offer a word of explanation, and then I shall appreciate it if a statement may be made by the chairman of the committee, to whom this amendment has been submitted. It has also been submitted to the Senator from Idaho [Mr. BORAH] and to the Senator from Texas [Mr. CONNALLY], who have had to do with drafting the substitute.

The original draft contemplated the possibility of aircraft and vessels carrying, without any violation of the provisions of the law, in the case of vessels, articles, or materials which are to be used exclusively by an American vessel, and, in the case of aircraft, necessary supplies for such aircraft.

In drafting the so-called Pittman-Connally amendment, in view of the fact that in the exceptions provided in subsections (g) and (h) vessels were permitted to carry any articles or materials, it was not thought necessary to carry forward the authority to carry, in the case of vessels, articles, or materials to be used by the vessels; and, in the case of aircraft, necessary supplies for such aircraft. However, it develops that the President's proclamation, heretofore issued, in the descriptions of arms, ammunition, and implements of war, described aircraft engines and parts for aircraft engines. So under the draft which is now before the Senate it would become impossible for the pan-American air lines, for example, to carry in one of its own airships necessary supplies for the repair of an engine belonging to that American company.

So all my amendment seeks to do is to say that notwithstanding the fact that certain materials may be listed in the President's proclamation under subsection (i) of section 12 as arms, ammunition, and implements of war, yet if those materials are intended only for use on American vessels or aircraft and by American vessels or aircraft as necessary supplies for their own operation or maintenance, such transportation shall not be forbidden.

Mr. President, I ask the chairman of the committee to express his views; and if the Senate agrees with the chairman I think it would be well to adopt the amendment.

Mr. PITTMAN. Mr. President, I think the Senator from Florida has correctly stated the situation. As originally drawn, the provision had this exception in it; but in re-drafting it the exception was left out. It should be put back again.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. PEPPER] to the committee amendment in the nature of a substitute.

The amendment to the amendment was agreed to.

Mr. PITTMAN. Mr. President, I have a technical amendment which I offer and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Nevada will be stated.

The LEGISLATIVE CLERK. On page 28, line 8, after the word "the", it is proposed to strike out the word "Board" and insert in lieu thereof the words "Secretary of State."

The PRESIDING OFFICER. Without objection, the amendment to the committee amendment is agreed to.

Mr. CONNALLY. Mr. President, I offer the amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. At the end of section 2, it is proposed to insert the following new subsection:

(k) The provisions of this section shall not apply to an American vessel whose voyage was begun 7 days or more in advance of (1) the date of enactment of this joint resolution; or (2) any proclamation issued after such date under the authority of section 1 (a) of this joint resolution.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas to the committee amendment in the nature of a substitute.

The amendment to the amendment was agreed to.

Mr. CONNALLY. Mr. President, on behalf of the Senator from Nevada [Mr. PITTMAN] and myself, I offer the amendment which I send to the desk, in the nature of a preamble.

The PRESIDING OFFICER. The offer of the Senator from Texas will be withheld for a moment.

Mr. CLARK of Missouri. Mr. President, a parliamentary inquiry. Should not the preamble be considered after the passage of the joint resolution?

The PRESIDING OFFICER. The Chair has been advised by the Parliamentarian that it should be withheld until that time.

Mr. CONNALLY. I did not know there were other amendments to be offered. That course is entirely agreeable to me.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to further amendment.

Mr. CLARK of Missouri. Mr. President, if there are any other amendments for the purpose of perfecting the joint resolution I shall be very glad to have them offered at this time, because the amendment I intended to offer is an amendment which is intended to raise the naked issue of the repeal of the arms embargo. Therefore it seems to me it should not be mixed up with any perfecting amendments.

The PRESIDING OFFICER. The Chair is advised that the Senator from Connecticut [Mr. DANAHER] has an amendment which he wishes to offer.

Mr. DANAHER. Mr. President, I respectfully move that, on page 21, lines 6, 7, and 8 be stricken out and that there be inserted in lieu thereof the following:

After September 3, 1939, it shall be unlawful for any person within the United—

Otherwise the paragraph will be as it now reads. The purpose, Mr. President, is simply to make the exception retroactive, to coincide with the date of the proclamation already in force under the present law.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. DANAHER] to the committee amendment in the nature of a substitute.

The amendment to the amendment was rejected.

Mr. BRIDGES. Mr. President, I offer an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert the following:

SEC. 19a. (a) In order to protect the interests of the United States and its citizens in the event of emergencies arising as a result of the present European war, it is hereby declared to be the policy of the Congress to remain in session for the duration of such war.

Mr. BRIDGES. Mr. President, I hesitate to take the time of the Senate when I know everyone is very desirous of completing action on the pending joint resolution.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. BRIDGES. I yield.

Mr. CONNALLY. If Congress wants to stay in session, who can keep it from doing so? We cannot get out of here until we adjourn by our own vote.

Mr. BRIDGES. I just want to make it the sense of the Congress as expressed in the joint resolution. I believe it is very important, in times of emergency and crisis, for the Congress to remain in session. It is their job to be here in Washington. It is not my desire or my personal wish to stay here, any more than that of any other Member; but I believe this is the place where the Congress should be.

I realize that this amendment will not meet with popular favor; but I believe the United States Senate should have an opportunity, when considering this joint resolution, to vote on this particular amendment.

I ask for favorable action on the amendment, and ask for the yeas and nays upon it.

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. BRIDGES] demands the yeas and nays. Is the demand seconded? Apparently there is not a sufficient number.

The question is on agreeing to the amendment offered by the Senator from New Hampshire to the amendment in the nature of a substitute.

The amendment to the amendment was rejected.

Mr. REYNOLDS. Mr. President, I send to the desk an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from North Carolina will be stated.

The Chief Clerk read as follows:

Before the issuance of a visa to any person not a citizen of the United States to enter this country there shall be requested of such person a pledge under oath to the effect that he will make no public statement, oral or written, which is designed to or which may affect or influence the foreign policy of this country. Any violation of such pledge shall be cause for the immediate detention of such person by the authorities of the United States Immigration Service, or officers acting under their direction, and upon the proof of such violation in a court of competent jurisdiction such person shall be immediately deported.

Mr. REYNOLDS. Mr. President, in other words, before any foreigner from any other country of the world shall be able to secure a visa for the purpose of entering the United States, he must have certified under oath that while in the United States he will not make any statement, oral or written, which may be designed to change or influence the foreign policy of the United States Government.

I ask for the yeas and nays upon the amendment, Mr. President.

The PRESIDING OFFICER. Is there a second to the demand for the yeas and nays? Evidently not a sufficient number have seconded the demand.

The question is on agreeing to the amendment offered by the Senator from North Carolina to the committee amendment in the nature of a substitute.

The amendment to the amendment was rejected.

Mr. REYNOLDS. Mr. President, I send to the desk another amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from North Carolina will be stated.

The CHIEF CLERK. At the end of the joint resolution it is proposed to insert the following new section:

SEC. —. Hereafter, any person not a citizen of the United States granted permission to remain in the United States for a definite and temporary period who shall make any public statement, oral or written, which is intended to, designed to, or likely to affect or influence the public opinion or the foreign policy of the United States, shall be detained by the United States Immigration Service, and, upon proof of such action, be deported.

Mr. REYNOLDS. Mr. President, I desire to explain to the Members of this body that this is an amendment designed to protect the people of the United States.

The amendment I have just had read provides that any alien who is in this country at the present time, or who hereafter comes here by way of visa attached to his passport, is subject to expulsion if, while in the United States, he utters any words which may be construed as likely to change the foreign policy of this country.

I believe the adoption of this amendment will be for the benefit of the people of this country during the present emergency, and particularly when the countries of Europe are at war.

I ask for the adoption of the amendment, and ask for the yeas and nays on it.

The PRESIDING OFFICER. Is there a second to the request for the yeas and nays? Apparently there is not a sufficient number.

The question is on agreeing to the amendment offered by the Senator from North Carolina to the committee amendment in the nature of a substitute.

The amendment to the amendment was rejected.

Mr. CLARK of Missouri. Mr. President, if there are no other perfecting amendments, it is my intention at this time to offer an amendment to present the very question of the repeal of the arms embargo. Therefore, it seems to me that, in fairness to all concerned, before the amendment is offered or stated, we should have a quorum of the Senate present; and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	Lee	Schwellenbach
Andrews	Downey	Lodge	Sheppard
Austin	Ellender	Lucas	Shipstead
Bailey	Frazier	Lundeen	Slattery
Bankhead	George	McCarran	Smathers
Barbour	Gerry	McKellar	Smith
Barkley	Gibson	McNary	Stewart
Bilbo	Gillette	Maloney	Taft
Borah	Green	Mead	Thomas, Okla.
Bridges	Guffey	Miller	Thomas, Utah
Brown	Gurney	Minton	Tobey
Bulow	Hale	Murray	Townsend
Burke	Harrison	Neely	Truman
Byrd	Hatch	Norris	Tydings
Byrnes	Hayden	Nye	Vandenberg
Capper	Herring	O'Mahoney	Van Nuys
Caraway	Hill	Overton	Wagner
Chandler	Holman	Pepper	Walsh
Chavez	Holt	Pittman	Wheeler
Clark, Idaho	Hughes	Radcliffe	White
Clark, Mo.	Johnson, Calif.	Reed	Wiley
Connally	Johnson, Colo.	Reynolds	
Danaher	King	Russell	
Davis	La Follette	Schwartz	

The PRESIDING OFFICER. Ninety-three Senators have answered to their names. A quorum is present.

Mr. CLARK of Missouri. Mr. President, I send to the desk an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Missouri will be stated.

The Chief Clerk proceeded to state the amendment.

Mr. CLARK of Missouri. Mr. President, may we have order in the Senate while the amendment is being read? To my mind, this amendment is the crux of the whole controversy; and I should at least like the Senate to be able to hear while the amendment is reported.

The PRESIDING OFFICER. Let there be order in the Senate, please; and the occupants of the galleries will please remain quiet while the amendment is being read.

The clerk will state the amendment.

The CHIEF CLERK. At the end of the joint resolution, it is proposed to insert the following:

EXPORT OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

SEC. 20. (a) Whenever the President shall find that there exists a state of war between, or among, two or more foreign states, the President shall proclaim such fact, and it shall thereafter be unlawful to export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from any place in the United States to any belligerent state named in such proclamation, or to any neutral state for transshipment to, or for the use of, any such belligerent state.

(b) The President shall, from time to time, by proclamation, extend such embargo upon the export of arms, ammunition, or implements of war to other states as and when they may become involved in such war.

(c) Whenever the President shall find that a state of civil strife exists in a foreign state and that such civil strife is of a magnitude or is being conducted under such conditions that the export of arms, ammunition, or implements of war from the United States to such foreign state would threaten or endanger the peace of the United States, the President shall proclaim such fact, and it shall thereafter be unlawful to export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from any place in the United States to such foreign state, or to any neutral state for transshipment to, or for the use of, such foreign state.

(d) The President shall, from time to time by proclamation, definitely enumerate the arms, ammunition, and implements of war, the export of which is prohibited by this section. The arms, ammunition, and implements of war so enumerated shall include those enumerated in the President's Proclamation No. 2163, of April 10, 1936, but shall not include raw materials or any other articles or materials not of the same general character as those enumerated in the said proclamation, and in the Convention for the Supervision of the International Trade in Arms and Ammunition and Implements of War, signed at Geneva June 17, 1925.

(e) Whoever, in violation of any of the provisions of this act, shall export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from the United States shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both, and the property, vessel, or vehicle containing the same shall be subject to the provisions of sections 1 to 8, inclusive, title 6, chapter 30, of the act approved June 15, 1917 (40 Stat. 223-225; U. S. C., 1934 ed., title 22, secs. 233-245).

(f) In the case of the forfeiture of any arms, ammunition, or implements of war by reason of a violation of this act, no public or private sale shall be required; but such arms, ammunition, or implements of war shall be delivered to the Secretary of War for such

use or disposal thereof as shall be approved by the President of the United States.

(g) Whenever, in the judgment of the President, the conditions which have caused him to issue any proclamation under the authority of this section have ceased to exist, he shall revoke the same, and the provisions of this section shall thereupon cease to apply with respect to the state or states named in such proclamation, except with respect to offenses committed, or forfeitures incurred, prior to such revocation.

Mr. CLARK of Missouri. Mr. President, I shall detain the Senate for only 2 or 3 minutes on this proposal, because it is a proposition which has been debated both before the meeting of this extraordinary session of the Congress and in nearly every speech which has been made during the session.

I have offered an amendment in the exact terms of the present law, to restore to the proposed committee substitute the language of the arms-embargo provision which is in the present law. There is nothing I can add at this late hour of the evening on this last day of the debate which has not already been said by me and by many other Senators.

I merely desire to call attention to the fact, as it has been called attention to before, that during the course of the debate, and before the debate began, inside this body and outside this body a sedulous effort has been made to create the impression in the minds of the people of the country, which to a certain extent has been successful, that it is inconsistent to have in the Neutrality Act of the United States the arms embargo and the cash-and-carry provisions and the war-zone provisions provided for in the committee substitute for the present law.

The amendment which I have presented draws the absolutely naked issue as to whether we should have an arms embargo or whether we should not have an arms embargo.

I have refrained from offering this amendment until the joint resolution presented by the majority of the Foreign Relations Committee had been perfected by the friends of the measure in the Senate of the United States. Not one single amendment has been adopted by this body to the measure reported by the Committee on Foreign Relations without the approval and consent of the caucus majority of the Committee on Foreign Relations. Therefore, the joint resolution, whatever its merits may be, is the measure of the majority of the Committee on Foreign Relations.

I am perfectly frank to say that I think there are several provisions in the measure which are very much better than the existing law. Certainly I am in favor of the restoration of the so-called cash-and-carry provision; whether it is perfect or imperfect, certainly it is better than none at all. Certainly I am in favor of many of the provisions of the measure; and the amendment which I have now proposed is designed solely for the purpose of drawing the absolutely naked issue of whether or not we desire to abandon the policy solemnly adopted in three sessions of the Congress, and three times solemnly signed by the President of the United States, at a time when no state or belligerency existed among foreign states—whether or not we now desire to change that policy, as avowedly urged on the part of some proponents of the measure, in behalf of one set of belligerents as against the other set of belligerents.

Mr. President, there is only one possible issue presented by the amendment. It is not the question of cash and carry; it is not the question of credit; it is not the question of war zones; it is not the question of armed merchantmen; it is not any other question involving our neutrality. It is the sole question of whether or not we shall change our policy after a war situation has developed abroad by changing a neutrality act, three times adopted, by the repeal of the arms embargo.

Mr. President, I reserve the remainder of my time, and I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. OVERTON. Mr. President, I shall vote for the arms embargo amendment offered by the senior Senator from Missouri [Mr. CLARK], and in the event that amendment shall be defeated, as I anticipate it will be, I shall vote against the joint resolution. I shall vote against it, not because I am

opposed to the additional safeguards contained in it, but I shall vote against it because it repeals the arms embargo.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. CLARK] to the amendment of the committee. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. SHIPSTEAD (when his name was called). I have a pair with the senior Senator from Virginia [Mr. GLASS], which I transfer to the senior Senator from Washington [Mr. BONE], and vote "yea."

The roll call was concluded.

Mr. HAYDEN. My colleague, the senior Senator from Arizona [Mr. ASHURST], is necessarily absent on account of illness in his family. If present, he would vote "nay."

Mr. BYRD. My colleague, the senior Senator from Virginia [Mr. GLASS], is detained on account of illness. Were he present, he would vote "nay."

Mr. HILL. I beg to announce that the senior Senator from Washington [Mr. BONE] is necessarily absent on account of illness.

The result was announced—yeas 33, nays 60, as follows:

YEAS—33

Borah	Downey	Lundeen	Townsend
Bulow	Frazier	McCarran	Vandenberg
Capper	Gillette	McNary	Walsh
Chavez	Holman	Nye	Wheeler
Clark, Idaho	Holt	Overton	White
Clark, Mo.	Johnson, Calif.	Reed	Wiley
Danaher	Johnson, Colo.	Reynolds	
Davis	La Follette	Shipstead	
Donahey	Lodge	Tobey	

NAYS—60

Adams	Connally	King	Russell
Andrews	Ellender	Lee	Schwartz
Austin	George	Lucas	Schwellenbach
Bailey	Gerry	McKellar	Sheppard
Bankhead	Gibson	Maloney	Slattery
Barbour	Green	Mead	Smathers
Barkley	Guffey	Miller	Smith
Bilbo	Gurney	Minton	Stewart
Bridges	Hale	Murray	Taft
Brown	Harrison	Neely	Thomas, Okla.
Burke	Hatch	Norris	Thomas, Utah
Byrd	Hayden	O'Mahoney	Truman
Byrnes	Herring	Pepper	Tydings
Caraway	Hill	Pittman	Van Nuys
Chandler	Hughes	Radcliffe	Wagner

NOT VOTING—3

Ashurst	Bone	Glass
---------	------	-------

So the amendment of Mr. CLARK of Missouri to the amendment of the committee was rejected.

Mr. PITTMAN. Mr. President, I offer an amendment to the "Repeals" title, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. Without objection, the amendment will be stated.

The LEGISLATIVE CLERK. On page 32, line 1, it is proposed to strike out the semicolon after the word "repealed" and to strike out the word "but", and to insert:

Provided, That such repeal shall not affect the validity of certificates of registration or licenses issued pursuant to section 2 of the joint resolution of August 31, 1935, or section 5 of the joint resolution of August 31, 1935, as amended, or the validity of proclamation No. 2237, of May 1, 1937 (50 Stat. 1834), defining the terms "arms, ammunition, and implements of war," which, until it is revoked, shall have full force and effect as if issued pursuant to this joint resolution: And provided further, That

Mr. CLARK of Missouri. Mr. President, will the Senator from Nevada explain the effect of this amendment? There is so much confusion in the Chamber it is difficult to hear.

Mr. PITTMAN. I will say to the Senator that it is a saving clause in the repeals title, keeping in force and effect the proclamations that have been heretofore issued.

[Cries of Vote! Vote!]

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. PITTMAN] to the committee amendment in the nature of a substitute.

The amendment to the committee amendment was agreed to.

Mr. CONNALLY. Mr. President, I call up an amendment in the nature of a preamble.

The PRESIDING OFFICER. The Chair wishes to call the attention of the Senator to the fact that the Senate must vote first on the measure before the Senator's amendment is in order. The Parliamentarian advises the Chair that the joint resolution is not on its passage. The first action to be taken is on agreeing to the committee amendment as amended.

Mr. BROWN. Mr. President, since it is obvious we are about to vote on the joint resolution, I should like to ask the Senator from Kentucky what the program is?

Mr. BARKLEY. Mr. President, I was going to suggest that it would be well to do so just before the roll call, so that Senators may understand the situation, and I might as well do it now.

Mr. President, the joint resolution will not go to the other House for its consideration until Monday next. Whether the House will ask for a conference or whether it will take up the Senate amendments in the form of a single amendment to the House joint resolution and consider it, I am not in position to say.

But, assuming that the joint resolution goes to conference by action of the House, the House will probably not be able to act upon the motion until Tuesday. Therefore there is no occasion for the Senate to reassemble here before Tuesday, and I should say to the Senator from Michigan and other Senators that it is my purpose to move that the Senate adjourn until Tuesday next.

If the House sends the joint resolution to conference on Tuesday I should hope for the Senate to remain in session sufficiently long to receive the message from the House and to appoint conferees, so that they might meet and take up the differences between the two Houses. How long that conference may last I am not in position to say, but I have every reason to believe that by Thursday of next week the conference report will probably be before the Senate. In that event it would be acted upon first by the Senate. If the conference committee works that rapidly, we might have the conference report Thursday, certainly by Friday. I wish to say to Senators who are here that I hope that there will not be such an exodus of Senators from the city, following the vote tonight, that we will have any difficulty either on Tuesday, or on Thursday, or Friday, or any other time next week, until the measure is completely and finally disposed of.

I wish also to say while I am on my feet that following the final disposition of the joint resolution in both Houses it is the purpose to move a sine die adjournment of this session of Congress. There has been some talk that there may be an effort made to keep Congress in session until January. Whether that effort will develop I do not know, but I think it certainly is the overwhelming view of the Senate that there is no occasion for the Senate or House to remain in session after the business for which we were called here shall have been disposed of. So that, so far as I can now foresee, is the program for next week following the vote, which will take place in a few moments.

Now, Mr. President, before the vote is taken, I wish to say a word further.

I wish first to congratulate the Senate on the manner in which this very important legislation has been considered. Considering its importance and the opportunity for acrimonious discussion and debate, and the injection of personalities, I believe I may say that not in the history of the Senate has there been a more dignified, courteous, and legitimate discussion of an important measure than that which has taken place during the last 4 weeks. I make that remark not only so far as those who support the legislation are concerned, but I make it also with respect to those who have opposed the legislation. And I wish personally to thank Members on both sides of the Chamber and Members on both sides of this question for the dignified and sincere cooperation which they have accorded all of us in the discussion and disposition of this great question, which I think is regarded by the American people as one of the most important

questions which has been under consideration in many years. In the discussion of the matter and the manner in which the debate has been conducted, I believe that, regardless of any Senator's position, the Senate of the United States has measured up to the traditions of the Senate of the United States and merited the approval of the American people.

Mr. KING. Mr. President, I voted against and opposed the act of 1937. I thought it contained many provisions which were objectionable to the American people and impinged upon the rights not only of the Federal Government but of the citizens of the United States. I shall vote for the pending measure. It contains many provisions with which I am not in accord, but, in view of the fact that the most important provision, the one dealing with embargo, repeals the act of 1937, I shall cast my vote in favor of the joint resolution.

Mr. CLARK of Missouri. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK of Missouri. What is the vote which is about to be taken? Is it upon the substitution of the Senate committee substitute for the House joint resolution?

The PRESIDING OFFICER. The Senator is correct.

Mr. CLARK of Missouri. And thereafter the vote will recur upon the passage of the joint resolution?

The PRESIDING OFFICER. Yes.

Mr. CLARK of Missouri. I ask for the yeas and nays.

Mr. PITTMAN. Mr. President, some of the amendments have necessitated a change in the numbering of the sections of the joint resolution, and without going through all of that matter now, I ask unanimous consent that the changing of these numbers necessitated by amendments may be arranged by the Secretary.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

Mr. CLARK of Missouri. Mr. President, I think we should have the yeas and nays on the committee substitute for the House joint resolution.

Mr. BARKLEY. We will have the yeas and nays on the final passage of the joint resolution. Why have two roll calls?

Mr. CLARK of Missouri. Very well. If I cannot get a sufficient number, I cannot get a sufficient number.

The yeas and nays were not ordered.

The amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the joint resolution.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time.

The PRESIDING OFFICER. The question is, Shall the joint resolution pass?

Mr. BARKLEY. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. SHIPSTEAD (when his name was called). I have a general pair with the senior Senator from Virginia [Mr. GLASS], who, if present, would vote "yea." I transfer that pair to the senior Senator from Washington [Mr. BONE], who if present, would vote "nay," and I will vote. I vote "nay."

The roll call was concluded.

Mr. HAYDEN. I announce that my colleague, the senior Senator from Arizona [Mr. ASHURST], is absent because of serious illness in his family. If present he would vote "yea."

Mr. BYRD. My colleague the senior Senator from Virginia [Mr. GLASS] is detained from the Chamber on account of illness. If present, he would vote "yea."

Mr. HILL. I announce that the senior Senator from Washington [Mr. BONE] is necessarily absent on account of illness.

The result was announced—yeas 63, nays 30, as follows:

YEAS—63

Adams	Ellender	King	Russell
Andrews	George	Lee	Schwartz
Austin	Gerry	Lucas	Schwellenbach
Bailey	Gibson	McKellar	Sheppard
Bankhead	Gillette	Maloney	Slattery
Barbour	Green	Mead	Smathers
Barkley	Guffey	Miller	Smith
Bilbo	Gurney	Minton	Stewart
Bridges	Hale	Murray	Taft
Brown	Harrison	Neely	Thomas, Okla.
Burke	Hatch	Norris	Thomas, Utah
Byrd	Hayden	O'Mahoney	Truman
Byrnes	Herring	Pepper	Tydings
Caraway	Hill	Pittman	Van Nuys
Chandler	Hughes	Radcliffe	Wagner
Connally	Johnson, Colo.	Reed	

NAYS—30

Borah	Donahey	Lundeen	Townsend
Bulow	Downey	McCarran	Vandenberg
Capper	Frazier	McNary	Walsh
Chavez	Holman	Nye	Wheeler
Clark, Idaho	Holt	Overton	White
Clark, Mo.	Johnson, Calif.	Reynolds	Wiley
Danaher	La Follette	Shipstead	
Davis	Lodge	Tobey	

NOT VOTING—3

Ashurst	Bone	Glass
---------	------	-------

So the joint resolution (H. J. Res. 306) was passed.

The joint resolution as passed reads as follows:

Joint resolution to preserve the neutrality and the peace of the United States and to secure the safety of its citizens and their interests

Resolved, etc.,

PROCLAMATION OF A STATE OF WAR BETWEEN FOREIGN STATES

SECTION 1. (a) That whenever the President, or the Congress by concurrent resolution, shall find that there exists a state of war between foreign states, and that it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, the President shall issue a proclamation naming the states involved; and he shall, from time to time, by proclamation, name other states as and when they may become involved in the war.

(b) Whenever the state of war which shall have caused the President to issue any proclamation under the authority of this section shall have ceased to exist with respect to any state named in such proclamation, he shall revoke such proclamation with respect to such state.

COMMERCE WITH STATES ENGAGED IN ARMED CONFLICT

SEC. 2. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a) it shall thereafter be unlawful for any American vessel to carry any passengers or any articles or materials to any state named in such proclamation.

(b) Whoever shall violate any of the provisions of subsection (a) of this section or of any regulations issued thereunder shall, upon conviction thereof, be fined not more than \$50,000 or imprisoned for not more than 5 years, or both. Should the violation be by a corporation, organization, or association, each officer or director thereof participating in the violation shall be liable to the penalty herein prescribed.

(c) Whenever the President shall have issued a proclamation under the authority of section 1 (a) it shall thereafter be unlawful to export or transport, or attempt to export or transport, or cause to be exported or transported, from the United States to any state named in such proclamation, any articles or materials (except copyrighted articles or materials) until all right, title, and interest therein shall have been transferred to some foreign government, agency, institution, association, partnership, corporation, or national. (Issuance of a bill of lading under which title to the goods shipped passes to the purchaser unconditionally upon delivery of the goods to carrier, shall constitute a transfer of all right, title, and interest therein within the meaning of this subsection.) The shipper of such articles or materials shall be required to file with the collector of the port from or through which they are to be exported a declaration under oath that he has complied with the requirements of this subsection with respect to transfer of right, title, and interest in such articles or materials, and that he will comply with such rules and regulations as shall be promulgated from time to time. Any such declaration so filed shall be conclusive estoppel against any claim of any citizen of the United States having knowledge of such shipment or of such declaration of right, title, or interest in such articles or materials. No loss incurred by any such citizen (1) in connection with the sale or transfer of right, title, and interest in any such articles or materials or (2) in connection with the exportation or transportation of any such copyrighted articles or materials, shall be made the basis of any claim put forward by the Government of the United States.

(d) Insurance written by underwriters on articles or materials included in shipments which are subject to restrictions under the provisions of this joint resolution, and on vessels carrying such shipments shall not be deemed an American interest therein, and

no insurance policy issued on such articles or materials, or vessels, and no loss incurred thereunder or by the owners of such vessels, shall be made the basis of any claim put forward by the Government of the United States.

(e) Whenever any proclamation issued under the authority of section 1 (a) shall have been revoked with respect to any state, the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation.

(f) The provisions of subsection (a) of this section shall not apply to transportation by American vessels on or over lakes, rivers, and inland waters bordering on the United States, or to transportation by aircraft on or over lands bordering on the United States; and the provisions of subsection (c) of this section shall not apply (1) to such transportation of any articles or materials other than articles listed in a proclamation issued under the authority of section 12 (i), or (2) to any other transportation on or over lands bordering on the United States of any articles or materials other than articles listed in a proclamation issued under the authority of section 12 (i), and the provisions of subsections (a) and (c) of this section shall not apply to the transportation referred to in this subsection and subsections (g) and (h) of any articles or materials listed in a proclamation issued under the authority of section 12 (i) if the articles or materials so listed are to be used exclusively by American vessels, aircraft, or other vehicles in connection with their operation and maintenance.

(g) The provisions of subsections (a) and (c) of this section shall not apply to transportation by American vessels (other than aircraft) of mail, passengers, or any articles or materials (except articles or materials listed in a proclamation issued under the authority of section 12 (i)) (1) to any port in the Western Hemisphere south of 35 degrees north latitude, (2) to any port in the Western Hemisphere north of 35 degrees north latitude and west of 66 degrees west longitude, (3) to any port on the Pacific or Indian Oceans, including the China Sea, the Tasman Sea, the Bay of Bengal, and the Arabian Sea, or (4) to any port on the Atlantic Ocean south of 30° north latitude. The exceptions contained in this subsection shall not apply to any such port which is included within a combat area as defined in section 3 which applies to such vessels.

(h) The provisions of subsections (a) and (c) of this section shall not apply to transportation by aircraft of mail, passengers, or any articles or materials (except articles or materials listed in a proclamation issued under the authority of section 12 (i)) (1) to any port in the Western Hemisphere, or (2) to any port on the Pacific or Indian Oceans, including the China Sea, the Tasman Sea, the Bay of Bengal, and the Arabian Sea. The exceptions contained in this subsection shall not apply to any such port which is included within a combat area as defined in section 3 which applies to such aircraft.

(i) Every American vessel to which the provisions of subsections (g) and (h) apply shall, before departing from a port or from the jurisdiction of the United States, file with the collector of customs of the port of departure, or if there is no such collector at such port, then with the nearest collector of customs, an export declaration (1) containing a complete list of all the articles and materials carried as cargo by such vessel, and the names and addresses of the consignees of all such articles and materials, and (2) stating the ports at which such articles and materials are to be unloaded and the ports of call of such vessel. All transportation referred to in subsections (f), (g), and (h) of this section shall be subject to such restrictions, rules, and regulations as the President shall prescribe; but no loss incurred in connection with any transportation excepted under the provisions of subsections (g) and (h) of this section shall be made the basis of any claim put forward by the Government of the United States.

(j) Whenever all proclamations issued under the authority of section 1 (a) shall have been revoked, the provisions of subsections (f), (g), (h), and (i) shall expire.

(k) The provisions of this section shall not apply to an American vessel whose voyage was begun 7 days or more in advance of (1) the date of enactment of this joint resolution, or (2) any proclamation issued after such date under the authority of section 1 (a) of this joint resolution.

COMBAT AREAS

SEC. 3. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), and he shall thereafter find that the protection of citizens of the United States so requires, he shall, by proclamation, define combat areas, and thereafter it shall be unlawful, except under such rules and regulations as may be prescribed, for any citizen of the United States or any American vessel to proceed into or through any such combat area. The combat areas so defined may be made to apply to surface vessels or aircraft, or both.

(b) In case of the violation of any of the provisions of this section by any American vessel, or any owner or officer thereof, such vessel, owner, or officer shall be fined not more than \$50,000, or imprisoned for not more than 5 years, or both. Should the owner of such vessel be a corporation, organization, or association, each officer or director participating in the violation shall be liable to the penalty hereinabove prescribed. In case of the violation of this section by any citizen traveling as a passenger, such passenger may be fined not more than \$10,000, or imprisoned for not more than 2 years, or both.

(c) The President may from time to time modify or extend any proclamation issued under the authority of this section, and when the conditions which shall have caused him to issue any such proclamation shall have ceased to exist he shall revoke such proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation.

AMERICAN RED CROSS

SEC. 4. The provisions of section 2 (a) shall not prohibit the transportation by vessels under charter or other direction and control of the American Red Cross, proceeding under safe conduct granted by states named in any proclamation issued under the authority of section 1 (a), of officers and American Red Cross personnel, medical personnel, and medical supplies, food, and clothing, for the relief of human suffering.

TRAVEL ON VESSELS OF BELLIGERENT STATES

SEC. 5. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a) it shall thereafter be unlawful for any citizen of the United States to travel on any vessel of any state named in such proclamation, except in accordance with such rules and regulations as may be prescribed.

(b) Whenever any proclamation issued under the authority of section 1 (a) shall have been revoked with respect to any state the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation.

ARMING OF AMERICAN MERCHANT VESSELS PROHIBITED

SEC. 6. Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereafter be unlawful, until such proclamation is revoked, for any American vessel, engaged in commerce with any foreign state to be armed, except with small arms and ammunition therefor, which the President may deem necessary and shall publicly designate for the preservation of discipline aboard any such vessel.

FINANCIAL TRANSACTIONS

SEC. 7. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereafter be unlawful for any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any state named in such proclamation, or of any political subdivision of any such state, or of any person acting for or on behalf of the government of any such state, issued after the date of such proclamation, or to make any loan or extend any credit to any such government, political subdivision, or person. The provisions of this subsection shall also apply to the sale by any person within the United States to any person in a state named in any such proclamation of any articles or materials listed in a proclamation issued under the authority of section 12 (i).

(b) The provisions of this section shall not apply to a renewal or adjustment of such indebtedness as may exist on the date of such proclamation.

(c) Whoever shall violate any of the provisions of this section or of any regulations issued thereunder shall, upon conviction thereof, be fined not more than \$50,000 or imprisoned for not more than 5 years, or both. Should the violation be by a corporation, organization, or association, each officer or director thereof participating in the violation shall be liable to the penalty herein prescribed.

(d) Whenever any proclamation issued under the authority of section 1 (a) shall have been revoked with respect to any state, the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation.

SOLICITATION AND COLLECTION OF FUNDS AND CONTRIBUTIONS

SEC. 8. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereafter be unlawful for any person within the United States to solicit or receive any contribution for or on behalf of the government of any state named in such proclamation or for or on behalf of any agent or instrumentality of any such state.

(b) Nothing in this section shall be construed to prohibit the solicitation or collection of funds and contributions to be used for medical aid and assistance, or for food and clothing to relieve human suffering, when such solicitation or collection of funds and contributions is made on behalf of and for use by any person or organization which is not acting for or on behalf of any such government, but all such solicitations and collections of funds and contributions shall be in accordance with and subject to such rules and regulations as may be prescribed.

(c) Whenever any proclamation issued under the authority of section 1 (a) shall have been revoked with respect to any state the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation.

AMERICAN REPUBLICS

SEC. 9. This joint resolution shall not apply to any American republic engaged in war against a non-American state or states, provided the American republic is not cooperating with a non-American state or states in such war.

RESTRICTIONS ON USE OF AMERICAN PORTS

SEC. 10. (a) Whenever, during any war in which the United States is neutral, the President, or any person thereunto authorized by him, shall have cause to believe that any vessel, domestic

or foreign, whether requiring clearance or not, is about to carry out of a port or from the jurisdiction of the United States, fuel, men, arms, ammunition, implements of war, supplies, dispatches, or information to any warship, tender, or supply ship of a state named in a proclamation issued under the authority of section 1 (a), but the evidence is not deemed sufficient to justify forbidding the departure of the vessel as provided for by section 1, title V, chapter 30, of the act approved June 15, 1917 (40 Stat. 217, 221; U. S. C., 1934 ed., title 18, sec. 31), and if, in the President's judgment, such action will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security or neutrality of the United States, he shall have the power and it shall be his duty to require the owner, master, or person in command thereof, before departing from a port or from the jurisdiction of the United States, to give a bond to the United States, with sufficient sureties, in such amount as he shall deem proper, conditioned that the vessel will not deliver the men, or any fuel, supplies, dispatches, information, or any part of the cargo, to any warship, tender, or supply ship of a state named in a proclamation issued under the authority of section 1 (a).

(b) If the President, or any person thereunto authorized by him, shall find that a vessel, domestic or foreign, in a port of the United States, has previously departed from a port or from the jurisdiction of the United States during such war and delivered men, fuel, supplies, dispatches, information, or any part of its cargo to a warship, tender, or supply ship of a state named in a proclamation issued under the authority of section 1 (a), he may prohibit the departure of such vessel during the duration of the war.

(c) Whenever the President shall have issued a proclamation under section 1 (a) he may, while such proclamation is in effect, require the owner, master, or person in command of any vessel, foreign or domestic, before departing from the United States, to give a bond to the United States, with sufficient sureties, in such amount as he shall deem proper, conditioned that no alien seaman who arrived on such vessel shall remain in the United States for a longer period than that permitted under the regulations, as amended from time to time, issued pursuant to section 33 of the Immigration Act of February 5, 1917 (U. S. C., title 8, sec. 168). Notwithstanding the provisions of said section, he may issue regulations with respect to the landing of such seamen as he deems necessary to insure their departure, either on such vessel or another vessel at the expense of such owner, master, or person in command.

SUBMARINES AND ARMED MERCHANT VESSELS

SEC. 11. Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States by the submarines or armed merchant vessels of a foreign state, will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe. Whenever, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply.

NATIONAL MUNITIONS CONTROL BOARD

SEC. 12. (a) There is hereby established a National Munitions Control Board (hereinafter referred to as the "Board"). The Board shall consist of the Secretary of State, who shall be chairman and executive officer of the Board, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce. Except as otherwise provided in this section, or by other law, the administration of this section is vested in the Secretary of State. The Secretary of State shall promulgate such rules and regulations with regard to the enforcement of this section as he may deem necessary to carry out its provisions. The Board shall be convened by the chairman and shall hold at least one meeting a year.

(b) Every person who engages in the business of manufacturing, exporting, or importing any arms, ammunition, or implements of war listed in a proclamation issued under the authority of subsection (i) of this section, whether as an exporter, importer, manufacturer, or dealer, shall register with the Secretary of State his name, or business name, principal place of business, and places of business in the United States, and a list of the arms, ammunition, and implements of war which he manufactures, imports, or exports.

(c) Every person required to register under this section shall notify the Secretary of State of any change in the arms, ammunition, or implements of war which he exports, imports, or manufactures; and upon such notification the Secretary of State shall issue to such person an amended certificate of registration, free of charge, which shall remain valid until the date of expiration of the original certificate. Every person required to register under the provisions of this section shall pay a registration fee of \$100. Upon receipt of the required registration fee, the Secretary of State shall issue a registration certificate valid for 5 years, which shall be renewable for further periods of 5 years upon the payment for each renewal of a fee of \$100.

(d) It shall be unlawful for any person to export, or attempt to export, from the United States to any other state, any arms, ammunition, or implements of war listed in a proclamation issued

under the authority of subsection (i) of this section, or to import, or attempt to import, to the United States from any other state, any of the arms, ammunition, or implements of war listed in any such proclamation, without first having submitted to the Secretary of State the name of the purchaser and the terms of sale and having obtained a license therefor.

(e) All persons required to register under this section shall maintain, subject to the inspection of the Secretary of State, or any person or persons designated by him, such permanent records of manufacture for export, importation, and exportation of arms, ammunition, and implements of war as the Secretary of State shall prescribe.

(f) Licenses shall be issued by the Secretary of State to persons who have been registered as herein provided for, except in cases of export or import licenses where the export of arms, ammunition, or implements of war would be in violation of this joint resolution or any other law of the United States, or of a treaty to which the United States is a party, in which cases such licenses shall not be issued.

(g) No purchase of arms, ammunition, or implements of war shall be made on behalf of the United States by any officer, executive department, or independent establishment of the Government from any person who shall have failed to register under the provisions of this joint resolution.

(h) The Board shall make a report to Congress on January 1 and July 1 of each year, copies of which shall be distributed as are other reports transmitted to Congress. Such reports shall contain such information and data collected by the Board as may be considered of value in the determination of questions connected with the control of trade in arms, ammunition, and implements of war, including the name of the purchaser and the terms of sale made under such license. The Board shall include in such reports a list of all persons required to register under the provisions of this joint resolution, and full information concerning the licenses issued hereunder, including the name of the purchaser and the terms of sale made under such license.

(i) The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section.

REGULATIONS

SEC. 13. The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.

UNLAWFUL USE OF THE AMERICAN FLAG

SEC. 14. (a) It shall be unlawful for any vessel belonging to or operating under the jurisdiction of any foreign state to use the flag of the United States thereon, or to make use of any distinctive signs or markings, indicating that the same is an American vessel.

(b) Any vessel violating the provisions of subsection (a) of this section shall be denied for a period of 3 months the right to enter the ports or territorial waters of the United States except in cases of force majeure.

GENERAL PENALTY PROVISION

SEC. 15. In every case of the violation of any of the provisions of this joint resolution or of any rule or regulation issued pursuant thereto where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than \$10,000, or imprisoned not more than 2 years, or both.

DEFINITIONS

SEC. 16. For the purposes of this joint resolution—

(a) The term "United States," when used in a geographical sense, includes the several States and Territories, the insular possessions of the United States (including the Philippine Islands), the Canal Zone, and the District of Columbia.

(b) The term "person" includes a partnership, company, association, or corporation, as well as a natural person.

(c) The term "vessel" means every description of watercraft and aircraft capable of being used as a means of transportation on, under, or over water.

(d) The term "American vessel" means any vessel documented, and any aircraft registered or licensed, under the laws of the United States.

(e) The term "state" shall include nation, government, and country.

(f) The term "citizen" shall include any individual owing allegiance to the United States, a partnership, company, or association composed in whole or in part of citizens of the United States, and any corporation organized and existing under the laws of the United States as defined in subsection (a) of this section.

SEPARABILITY OF PROVISIONS

SEC. 17. If any of the provisions of this joint resolution, or the application thereof to any person or circumstance, is held invalid, the remainder of the joint resolution, and the application of such provision to other persons or circumstances, shall not be affected thereby.

APPROPRIATIONS

SEC. 18. There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of this joint resolution.

REPEALS

SEC. 19. The joint resolution of August 31, 1935, as amended, and the joint resolution of January 8, 1937, are hereby repealed: *Provided*, That such repeal shall not affect the validity of certificates of registration or licenses issued pursuant to section 2 of the joint resolution of August 31, 1935, or section 5 of the joint resolution of August 31, 1935, as amended, or the validity of proclamation No. 2237, of May 1, 1937 (50 Stat. 1834), defining the term "arms, ammunition, and implements of war," which, until it is revoked, shall have full force and effect as if issued pursuant to this joint resolution: *Provided further*, That offenses committed and penalties, forfeitures, or liabilities incurred under either of such joint resolutions prior to the date of enactment of this joint resolution may be prosecuted and punished, and suits and proceedings for violations of either of such joint resolutions or of any rule or regulation issued pursuant thereto may be commenced and prosecuted in the same manner and with the same effect as if such joint resolutions had not been repealed.

SHORT TITLE

SEC. 20. This joint resolution may be cited as the "Neutrality Act of 1939."

Mr. CONNALLY. Mr. President, I now offer an amendment to the preamble.

The PRESIDING OFFICER. The amendment offered by the Senator from Texas to the preamble will be stated.

The CHIEF CLERK. In lieu of the matter stricken out, it is proposed to insert the following:

Whereas the United States of America, desiring to preserve its neutrality in war between foreign states, and being desirous of avoiding involvement therein, voluntarily imposes upon its nationals by domestic legislation the restrictions set out herein. By so doing it waives no right of itself, or of any national of the United States, under international law and expressly reserves all rights and privileges to which it or its nationals are entitled under the law of nations. It expressly reserves the right to repeal or change or modify this or other domestic legislation in the interest of the peace, security, or welfare of the United States and its people.

The PRESIDING OFFICER. Without objection—

Mr. CLARK of Missouri. Mr. President, it seems to me that the preamble, as I have heard it read for the first time, is a misdescription of the purposes of the joint resolution, or at least of what is in the joint resolution. Therefore, if it is to be insisted that the preamble be adopted tonight, I shall be forced to ask for the reading of the engrossed Senate amendment.

The PRESIDING OFFICER. We have passed that stage of the proceedings.

Mr. CLARK of Missouri. Mr. President, we have not passed the stage of the proceedings at which a preamble can be adopted without the reading of the engrossed copy of the amendment, have we? It is certainly debatable, and not subject to any limitation of debate.

The PRESIDING OFFICER. The amendment to the joint resolution was engrossed before its passage.

Mr. CLARK of Missouri. I understand, Mr. President, that it is proposed to insert an additional provision in the Senate amendment, which will necessarily also require engrossment. I ask that as a parliamentary inquiry.

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian to the contrary.

Mr. CLARK of Missouri. Then I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Clark, Idaho	Hayden	Miller
Andrews	Clark, Mo.	Herring	Minton
Austin	Connally	Hill	Murray
Bailey	Danaher	Holman	Neely
Bankhead	Davis	Holt	Norris
Barbour	Donahay	Hughes	O'Neale
Barkley	Downey	Johnson, Calif.	O'Mahoney
Bilbo	Ellender	Johnson, Colo.	Overton
Borah	Frazier	King	Pepper
Bridges	George	La Follette	Pittman
Brown	Gerry	Lee	Radcliffe
Bulow	Gibson	Lodge	Reed
Burke	Gillette	Lucas	Reynolds
Byrd	Green	Lundeen	Russell
Byrnes	Guffey	McCarran	Schwartz
Capper	Gurney	McKellar	Schwellenbach
Caraway	Hale	McNary	Sheppard
Chandler	Harrison	Maloney	Shipstead
Chavez	Hatch	Mead	Slattery

Smathers	Thomas, Utah	Vandenberg	White
Smith	Tobey	Van Nuys	Wiley
Stewart	Townsend	Wagner	
Taft	Truman	Walsh	
Thomas, Okla.	Tydings	Wheeler	

The PRESIDING OFFICER. Ninety-three Senators have answered to their names. A quorum is present.

The question is on agreeing to the amendment offered by the Senator from Texas to the preamble.

Mr. WHEELER. Mr. President, I have introduced many joint resolutions with preambles; but, frankly, I think this preamble is nothing more than a stump speech. The joint resolution speaks for itself, and it is not necessary to have this so-called preamble. I think it is unfair and unjustified. Heretofore when joint resolutions have been under consideration and preambles have been taken up, and it has been suggested that the preamble be stricken out, it has been stricken out.

As the distinguished Senator from Kentucky has said, all the speeches that have been made upon the floor with reference to this legislation have been made in the spirit of calm and cool deliberation and on a high plane. However, I think it is unfair to those who oppose the joint resolution, and to some who have been for it, to come in at the last minute and add a stump speech to the measure.

I have not debated the joint resolution. Things could be said with reference to it that I am sure Senators would not like to have said; but if at the last minute we are to inject into the legislation this kind of a preamble, I am prepared to go ahead and discuss it at some length. I am prepared to do what one of the columnists in the Washington Star said—"Let us tell the truth about it." If we are to have that kind of a fight in the Senate at this time, after the passage of the joint resolution, I am perfectly willing to go ahead, and I am perfectly prepared to do so. I repeat I do not think it is fair to insert a stump speech as a preamble to this legislation.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. HAYDEN. The Senator is aware, of course, that there was a preamble to the House measure.

Mr. WHEELER. Yes.

Mr. HAYDEN. It is the same kind of a stump speech.

Mr. WHEELER. I have read this stump speech, and I wish to say that, in my judgment, it does not correctly state the effects of the joint resolution in many ways. I think it is unfair and unjustified, and I think it should be withdrawn.

Mr. PITTMAN. Mr. President, I am one of the signers of the "stump speech." I did not write it, but I think it states the facts. I think what it states is that by this domestic legislation we have placed certain restrictions upon our own citizens, but that in placing that restraint upon our own citizens we do not surrender any rights that we may have against foreign nations under international law. If the preamble says anything else, I did not mean to have it say anything else. I myself think that while it meets some of the objections to the effect that we are surrendering our rights under international law—which I have never believed—it does not accomplish anything in addition to what the legislation itself accomplishes.

I hope my colleagues who joined me in it will simply withdraw the offer.

Mr. WHEELER. Mr. President, I will say to the Senator from Nevada that so far as I am concerned, if the only effect of the preamble were to state what the Senator has stated, I should have no objection. If it did not go any further than that, I should have no objection. However, what is stated in it is the opinion of certain Senators, with which other Senators disagree.

The legislation speaks for itself. Unless it is desired to play politics with this legislation, why should it be necessary at the last minute to inject a political speech into the issue?

Mr. KING. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. KING. Does the Senator believe it is a political speech when in a preamble we recite a fact, namely, that by this law

we are surrendering certain rights which under international law are accorded to this Nation and to every other nation in the civilized world?

I have voted for the joint resolution because I was willing, on account of some of the advantages, to surrender—which I did reluctantly—some of the rights to which we are entitled under international law. I think the preamble does not make a recitation which is not valid and which does not rest upon fundamental principles.

Mr. WHEELER. Mr. President, I disagree with the Senator from Utah with reference to some of the statements in the preamble. I do not know whether or not the Senator has read the preamble.

Mr. KING. I have read it.

Mr. WHEELER. I certainly think the preamble goes further than the chairman of the Foreign Relations Committee has said he feels that the joint resolution goes.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. MALONEY. I am one of those who very much regret not only the views but the attitude of the Senator from Montana. I should like to ask him to reflect and point out to the Senate wherein there is a stump speech or wherein there is anything misleading in this preamble. It seems to me that the proposed preamble contains exactly what I intended to vote for and what I thought I voted for; and I should like to have him point out the matters to which he refers.

Mr. BORAH. Mr. President, may I ask the Senator from Montana a question?

Mr. WHEELER. I yield.

Mr. BORAH. Either this preamble contains something of some moment with reference to the joint resolution or it does not—one of the two. If it contains something that is not now in the joint resolution, if it adds to the joint resolution, certainly it is additional legislation which we had not been contemplating up to the time the joint resolution was passed. On the other hand, if it is true that there is nothing of moment in it, why adopt it?

Mr. MALONEY. Mr. President, will the Senator from Montana yield?

Mr. WHEELER. I yield.

Mr. MALONEY. I should like to say that the proposed preamble is exactly what I believe I have been voting for.

Mr. BORAH. Exactly. Therefore, there is no occasion for having the preamble.

Mr. MALONEY. I did not ask for it, and it would not have made any difference to me whether a preamble was put in or not; but I seriously object to having it thrown aside because it is said to be misleading or false, or is not a proper preamble to the joint resolution.

Mr. BORAH. I am not asking that it be put aside on the ground that it is false, but because it is wholly immaterial unless there is more in the preamble than a mere preamble.

Mr. MALONEY. I am not out of sympathy with the opinion expressed by the Senator from Idaho, but I am very much out of sympathy with the opinion expressed by the Senator from Montana. I do not think it is fair.

Mr. WHEELER. Mr. President, let me say to the Senator from Connecticut that I have not said that the preamble is false. I presume the reason why the Senator from Connecticut will vote for it is because he believes the joint resolution contains what is stated in the preamble.

Mr. MALONEY. I do.

Mr. WHEELER. There are other Members of the Senate who do not agree that the joint resolution contains it; but the joint resolution speaks for itself, and should speak for itself. If the joint resolution needs an explanation, and needs a preamble for the purpose of stating what it contains, then there is something wrong with the legislation.

Mr. CHAVEZ. Mr. President—

Mr. WHEELER. I yield to the Senator from New Mexico.

Mr. CHAVEZ. Which is the law, the preamble or the joint resolution?

Mr. WHEELER. The joint resolution. The preamble in any piece of legislation we ever pass here does not mean anything whatever. Not only that, but the Supreme Court of the United States in numerous cases has held that, as a matter of fact, it is the bill or joint resolution itself, and not the preamble, that controls.

I do not think it is fair to put in the preamble the statement that:

By so doing it (the United States) waives no right—

That does not mean anything. It does not add anything to the joint resolution and it does not take away anything from it. The joint resolution itself explains what it contains—

of itself or of any national of the United States under international law, and expressly reserves all rights and privileges to which it or its nationals are entitled under the law of nations.

The joint resolution speaks for itself. If it does not do that, all well and good. If it does do it, the preamble does not change it.

It expressly reserves the right to repeal or change or modify this or other domestic legislation in the interest of the peace—

Of course, in passing any piece of legislation, the Congress of the United States expressly reserves the right to repeal or change or modify it or other domestic legislation—

in the interest of the peace, security, or welfare of the United States and its people.

Mr. CHAVEZ and Mr. MALONEY addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Montana yield; and if so, to whom?

Mr. WHEELER. I yield to the Senator from New Mexico.

Mr. CHAVEZ. Mr. President, if the matter goes to the Supreme Court, will the Supreme Court look at this language, or will it look at the joint resolution itself?

Mr. WHEELER. Of course, it will look at the joint resolution itself; and it is ridiculous for us to put a preamble in a piece of legislation of this kind and say that we expressly reserve "the right to repeal or change or modify this or other domestic legislation in the interest of the peace, security, or welfare of the United States and its people." Is there any question in the mind of any Member of the United States Senate, or any person outside of the United States Senate, that when we pass a piece of legislation we reserve the right in the Congress of the United States to repeal or modify or change any piece of legislation we pass?

Mr. MALONEY and Mr. CONNALLY addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Montana yield, and, if so, to whom?

Mr. WHEELER. I yield first to the Senator from Connecticut.

Mr. MALONEY. Mr. President, I do not insist that the preamble became at all important until the Senator from Montana charged that a stump speech was contained in it. It seemed to me—and I do not mean to be disrespectful to the Senator—that instead of the preamble being a stump speech, his attack upon it was in effect that.

Mr. WHEELER. I cannot help what the Senator thinks. I am simply calling attention to the fact that the preamble is not necessary, and I do not think it is the right thing to add to the joint resolution. It merely states, particularly in the last portion, what is the law under the Constitution of the United States; and it seems to me, from that standpoint, that it is proposed purely as a matter of political bunk.

Mr. BARKLEY and Mr. PITTMAN addressed the Chair.

Mr. WHEELER. I yield to the Senator from Nevada.

Mr. PITTMAN. Mr. President, this is what the preamble says:

Whereas the United States of America, desiring to preserve its neutrality in war between foreign states, and being desirous of avoiding involvement therein, voluntarily imposes upon its nationals by domestic legislation the restrictions set out herein.

Whether or not that is necessary, it is true; is it not?

By so doing it waives no right of itself, or of any national of the United States, under international law, and expressly reserves all rights and privileges to which it or its nationals are entitled under the law of nations.

That is true, whether or not it is put in here, is it not? It is true.

It expressly reserves the right to repeal or change or modify this or other domestic legislation in the interest of the peace, security, or welfare of the United States and its people.

Whether or not we expressly do that, the Senator from Montana says we have a right to do it.

The preamble may state obvious things; in fact, I think it does state obvious things all the way through; but I think the Senator from Montana becomes exceedingly excited, like most people who have been defeated, and uses violent language against us poor fellows who defeated him in stating that we are trying to play politics.

Mr. WHEELER. Let me say to the Senator—

Mr. PITTMAN. Just a minute. I did not try to play any politics. I signed that preamble. I did not write it. I should like to settle the whole hullabaloo, however, by withdrawing it, in order to get rid of it.

Mr. BARKLEY. Mr. President, it seems to me that all of this is a tempest in a teapot. We have adopted a single amendment striking out all the language of the House joint resolution. The House joint resolution contains the following preamble, which, if the Senator will permit me, I will read:

Whereas the policy of the United States in foreign wars not affecting the defense of the United States is a policy of neutrality in accordance with the rules of international law; and

Whereas the United States stands for restating and strengthening the rights of neutrals at the earliest practicable time; and

Whereas it seems advisable, until these rights can be restated, to diminish the risk of this Nation becoming involved in foreign wars by restricting the exercise of certain neutral rights of our citizens: Therefore be it

Resolved—

And so forth. Whether or not the preamble we have been discussing is in the joint resolution as it leaves the Senate, when the joint resolution goes to conference the language that is stricken out of the House joint resolution will be in conference. The conferees may restore that language, or they may add to it, or they may amend it in any way they see fit.

Mr. WHEELER. That is correct.

Mr. BARKLEY. So, after all, it seems to me that whether or not we adopt the preamble, there is a preamble in the joint resolution, and there will be a preamble in conference, and the conferees will be free to write it in their own language.

Mr. WHEELER. That is correct.

Mr. BARKLEY. Then why all this trouble?

Mr. WHEELER. I entirely agree with the Senator from Kentucky, but I want to say to the Senator from Nevada [Mr. PITTMAN] that so far as I am personally concerned, I have not taken the view which some of my colleagues have taken in opposition to this piece of legislation. If I were of the opinion that the repeal of the embargo would keep us out of war, I would vote for the repeal of the embargo. On the other hand, I am not prepared to say, and I do not think any Member of the Senate is prepared to say, that either the repeal of the embargo or leaving the embargo on the statute books means either war or a step toward war or the reverse.

It may be too idealistic for some persons, or it may be because of my Quaker ancestry; but I just cannot bring myself to the point where I want to sell and put in the hands of somebody a gun with which to kill somebody else; nor can I bring myself to the point where I want to sell poison gases in order to torture or kill men, women, and children in some other country.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. WHEELER. I yield to the Senator from New Mexico.

Mr. HATCH. Does the Senator think a single Member of the United States Senate wants to sell poison gases to kill men, women, and children?

Mr. WHEELER. I cannot conceive that to be the case. I cannot conceive that any Member of the Senate wants to do that; but I do say that when we come to consider the

question of selling poison gases, this country ought to take the position that it is against the sale of poison gases. It ought to take a position of that kind with reference to all the nations of the world; and yet, if we start to sell them—

The PRESIDING OFFICER. The time of the Senator from Montana has expired.

Mr. CONNALLY. Mr. President—

The PRESIDING OFFICER. The Senator from Texas.

Mr. CLARK of Missouri. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Missouri will state it.

Mr. CONNALLY. I have the floor.

Mr. CLARK of Missouri. Under what rule does the Chair hold that there is any limitation on debate on an amendment to the preamble after the joint resolution has been passed?

The PRESIDING OFFICER. The Chair makes that ruling under the unanimous-consent agreement entered into yesterday, and printed upon the face of the Calendar.

Mr. CLARK of Missouri. The Chair has held that the rule as to the engrossment of amendments does not apply to amendments to a preamble. Therefore, why should the so-called agreement for the limitation of debate apply to amendments to the preamble?

Mr. BARKLEY. Mr. President, the amendment which was adopted had already been ordered engrossed when that point was raised; and certainly this is an amendment to the joint resolution. It may be held that it is an amendment to the part of it which was stricken out; but it certainly is an amendment to the joint resolution in the form of a preamble, and it is just as much an amendment now as if it had been offered as an amendment to the House language or to the Senate language.

Mr. CLARK of Missouri. Then we are entitled to have the reading of the engrossed copy.

Mr. CONNALLY. Well, then, read it. I do not care whether it be read or not.

Mr. CLARK of Missouri. Very well; let us get the formal engrossed copy.

Mr. CONNALLY. Mr. President—

The PRESIDING OFFICER. The Senator from Texas.

Mr. CONNALLY. I am not at all surprised at the slant that affairs have taken. The majority have been in control all during this debate for a month, and I do not think any Senator can justly say that we have undertaken to put on the heat, or invoke cloture, or do any of the things that could be done by the Senate when it wants to do them.

We have felt that every Senator should have his day in court. I remind the Senate that this afternoon, before we voted on the last of the amendments, the Senator from Texas offered this amendment from the floor, and the Senator from Missouri [Mr. CLARK] himself made the point that the preamble could not be offered until after the joint resolution had been voted upon. The Parliamentarian told the Senator from Texas that it could not be voted upon until after the joint resolution was disposed of, and cited the rule. There is nothing unfair about this procedure, notwithstanding the statement of the Senator from Montana that it is unfair.

The Senator from Montana says it is a stump speech. He ought to know. [Laughter.]

Mr. WHEELER. I do.

Mr. CONNALLY. Now, I want to make one of these "stump speeches" to the Senator from Montana, and ask him what is wrong about this amendment. There is a preamble in the joint resolution. It comes here from the House, and it is subject to amendment just as is any other part of the joint resolution. This preamble was offered before all of the amendments had been voted upon, and would have been voted upon at that time except for the ruling of the Chair, and except for what was said by a number of expert parliamentarians around over the floor of the Senate. [Laughter.] All I wanted was to say these things in the preamble, and I want to know now from the Senator from

Montana what is said in the proposed preamble that is false:

Whereas the United States of America, desiring to preserve its neutrality in war between foreign states—

Does not the Senator from Montana agree to that? Is that untrue? If the Senator from Montana does not agree to that sentiment, let him say so now.

Mr. WHEELER. Let me read it.

Mr. CONNALLY. No; I ask the Senator the question whether he agrees to what I have just read.

Mr. WHEELER. Of course, I agree that this country wants to preserve its neutrality.

Mr. CONNALLY. Very well.

Mr. WHEELER. Let me answer the question. The Senator asked me a question.

Mr. CONNALLY. All right; answer it.

Mr. WHEELER. I believe this country wants to preserve its neutrality and it wants to keep out of the present war; but, in my judgment, in order to preserve its neutrality it should not repeal the arms embargo.

Mr. CONNALLY. Oh, of course, the same old speech. Just because you are licked, you cannot take it. You have not the courage to take it. [Laughter.]

Mr. WHEELER rose.

Mr. CONNALLY. I do not yield any more. The Senator charged the Senator from Texas with being unfair and practicing some sort of legerdemain here, and I do not propose to yield to him until I get ready.

Mr. WHEELER. Do not ask me another question, then, if you do not want an answer.

Mr. CONNALLY. I will ask you another question.

Mr. WHEELER. Very well.

Mr. CONNALLY. I read from the proposed preamble:

Whereas the United States, desiring to preserve its neutrality in war between foreign States—

Does anyone object to that?

and being desirous of avoiding involvement therein—

Is there anything wrong with that? Does anyone here want to become involved in war?

Mr. WHEELER. Is the Senator asking me?

Mr. CONNALLY. No. [Laughter.] I know the Senator says with his mouth all the time that he does not want the country to get into war, but with his conduct—I will not say so much. What does the proposal say? Being desirous of doing these things, the United States "voluntarily imposes upon its nationals by domestic legislation the restrictions set out herein."

Is not that true? Is that not what we have been undertaking to do, to preserve our rights under international law, and yet at the same time restrict our nationals and our ships by domestic legislation? There is nothing wrong with that. Listen to this. I want to see if there is anything wrong with this.

Mr. WHEELER. The Senator is not asking me? [Laughter.]

Mr. CONNALLY. No. I know what the Senator's answer would be. It would be just a lot of flub-dub [laughter], another stump speech, just a lot of "hooey" to try to offset the effect of your vote on this joint resolution.

Mr. CLARK of Missouri. Mr. President, I rise to a point of order.

Mr. CONNALLY. Very well; make it.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. CLARK of Missouri. I call attention to the provision of the rule which requires one Senator not to address another directly in the second person.

Mr. CONNALLY. Mr. President, the Senator from Montana did not have the courtesy to observe the rules and rise from his seat. He sits in his seat and makes these comments, and I thought the Senator from Texas, since the methods of the back-room domino parlor had been adopted by him, might reply in kind. [Laughter.]

Let us see what is in this terrible preamble, this thing of unfairness, this thing that is slipping something in at the last moment, while these watchdogs of the country are slumbering, not looking.

By so doing—

By doing what? By imposing these domestic restrictions upon our own citizens. We want to tell the world that—

by so doing it waives no right of itself or of any national of the United States under international law, and expressly reserves all rights and privileges to which it or its nationals are entitled under the law of nations.

Is there anything wrong with that? Are not all Senators for that—every one except the Senator from Montana, and he is opposed to it. He does not want it in the joint resolution. On the contrary, he wants to give up some of our rights under international law, and I do not want to give up one of them.

It expressly reserves the right to repeal or change or modify this or other domestic legislation in the interest of peace, security, or welfare of the United States and its people.

That is all there is in it. Is there anything wrong with that? The Senator from Montana says there is no sense in putting in this reservation of the right to repeal or modify, and that everybody knows that. Does everyone know it? It has been shouted from the Senate ever since the debate started that we could not repeal the embargo because we had put all the nations of the world on notice before the war started that that was our policy and that was our law, and that now we had no right to change it or modify it or alter it.

Mr. MURRAY. Mr. President—

Mr. CONNALLY. Where is the Senator who has not heard that ringing out in the Senate Chamber and throbbing over the radio and seen it scattered all through the press? I yield to the Senator.

Mr. MURRAY. The Senator from Texas is constantly referring to the attitude of the Senator from Montana in this matter.

Mr. CONNALLY. I mean the senior Senator from Montana.

Mr. MURRAY. Very well. [Laughter.]

Mr. CONNALLY. Mr. President, I will state why I offered the preamble. We have had a form of this preamble in the committee and before us for some time. The Senator from North Carolina wrote a very admirable one, and we have had it here with the intention, when we reached the proper legislative stage, of offering it, and we could not offer it; but we tried to offer it at every other stage of the proceedings until now. Then the Senator from Montana rises and says it is unfair, it is a stump speech, it is so on and so on. If the Senator from Montana would make more stump speeches like that preamble he would be in better favor with the American people. [Laughter.]

What is wrong with it? I want to serve notice on the foreign governments, I want to serve notice on every human being under any nation's flag, that when we pass this legislation we are not giving up any right of a citizen of the United States, that we are not giving up any right of the Government of the United States under the law of nations. I want to tell them that we want to be neutral, that we want to preserve the peace, but in doing so we are adopting these restrictions in the form of domestic legislation, affecting no citizen on earth except American citizens, affecting no ships on earth except American ships. We are imposing these restrictions voluntarily, in order to avoid involvement in war. Is there anything wrong about that?

I also want to tell them that, whenever conditions change or whenever we change our minds, we have the right to modify this legislation or any other domestic legislation. I want to tell them that we have the right to change the law or repeal it; that it is nobody's business on earth but that of the people and Government of the United States.

If that is a stump speech, let it stand for a stump speech; but I call it good American doctrine; I call it a declaration that we will keep in our own hands the sovereign powers of this Government, and that we will consult no government on

earth about what we shall do to preserve our own neutrality and our own safety and our own security; and we do not want any government coming to us in the future, as at least the Senator from Montana probably has in his mind, and as other Senators on this floor have, and say, "Hold on here; you cannot alter this law; you cannot change it; you cannot repeal it. Why, you are changing the rules of the game after the game has started."

We want to make it clear, not alone to the people of the United States, but we want it to ring out in the chancelleries of every government on earth, that we shall surrender not one jot or tittle of our rights under international law, that what we are doing we are doing voluntarily, by domestic legislation, controlling our own citizens in our own ships, in the interest of the peace of the world and the welfare of the people of the United States; in the interest of no other people on this revolving globe.

Mr. WALSH. Mr. President, I should like to amend the preamble offered by the distinguished Senator from Texas. Preceding the first whereas, I move to insert the following:

Whereas the United States of America desires to avoid participation in the present European war; and

Whereas it desires to serve notice to the world that it intends to keep out of participation in the war—

I ask the Senator if he will be willing to accept that amendment.

Mr. CONNALLY. I do not want to make any commitment myself as to what we are going to do in the future. I want to leave that question open. I do not want to make any pledge, so far as I am concerned, to any country, any government, or any individual on earth.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. NORRIS. Certainly I think there should be no objection to the first whereas the Senator from Massachusetts suggests. I can see how there might be to the next, but the first whereas he submits certainly carries out the intent we have.

Mr. CONNALLY. I have no objection to the first one, but the second one reads:

Whereas it desires to serve notice to the world that it intends to keep out of participation in the war.

That is more or less a repetition of the other idea.

Mr. WALSH. What is the harm in telling the world that?

Mr. CONNALLY. I do not want to tell the world what we are going to do. I do not know what the world is going to do. If we knew what the world was going to do to us, we could tell the world what we were going to do to them. So far as I am concerned, we can state our present intention and our present attitude, but I am not going to vote for anything that pledges us in advance, with our eyes closed and with a blindfold on us, as to what this Government will do whenever the occasion may arise. I want to leave the United States Government free; I want the Senate to be free; I want the House of Representatives to be free; I want the people of the United States to be free; so that whenever any occasion may arise we may act upon it on our own conscience, in our own judgment. That is why I am telling foreign nations in this preamble "Take notice that we reserve the right to change this law whenever we change our minds."

I prefer the language contained in the preamble as proposed. We have carefully considered it. I thank the Senator from Massachusetts, but I do not want to give foreign nations any ground to say, "You did not say it in so many words, but you promised us in effect that no matter what we do to you, no matter how many lots you kick us over, no matter how many of our citizens you kill, no matter how many of our ships you sink, we do not propose to fight. We promise you now we will go home and crawl under the bed and stay there until the danger is over."

Mr. President, I am not for that doctrine. I will not vote for it here. I will not vote for it at the ballot box. I will not go back to my people with any such craven and cowardly message from their humble representative.

I think this is a tempest in a teapot. There is nothing in this proposed preamble to which there can be any real objection. I cannot see how Senators, with all respect to the Senator from Montana, can object to it, and if he will only get cool [laughter] and sit around here awhile and forget the sting of defeat of a little while ago there will be another day. He may win some future contest, if he will only do that. If the Senator from Missouri would sort of curl up for a little while and not be so vocal [laughter], there would not be any difficulty.

I do not want to keep the Senate here tonight. I never dreamed that anyone would raise his voice in protest. I know that several Senators on the other side of the aisle wanted something of this kind placed in the joint resolution. I want to close the mouths of foreign governments so that they cannot make the claim, as Senators have made it on the floor, that we cannot change our laws whenever and however we get ready to change them.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. CLARK of Missouri. The Senator stated a few moments ago that this matter had been under consideration—

Mr. WALSH. As a matter of fact, I think I have the floor.

Mr. CONNALLY. I did not know I had yielded the floor. Did I yield the floor?

Mr. WALSH. I rose and made a motion, and I thought I had the floor.

Mr. CONNALLY. Whether I have the floor or not, I yield to the Senator from Massachusetts out of my regard for him. [Laughter.]

Mr. WALSH. I yield to the Senator from Missouri.

Mr. CLARK of Missouri. I merely wanted to ask the Senator from Texas a question. If this matter has been under consideration and in course of perfection for several days, I should like to know why the matter has never been sent forward to be printed, was never printed in the RECORD, no one has had an opportunity to read it, and at the present time the only copy is the one the Senator has in his hand?

Mr. CONNALLY. Oh, no. I will answer the question of the Senator from Missouri.

Mr. CLARK of Missouri. The Senator from Massachusetts has the floor.

Mr. CONNALLY. The Senator will permit me to answer the Senator from Missouri?

Mr. WALSH. Certainly.

Mr. CONNALLY. Is it not true that this afternoon, when the Senator from Texas rose and offered the preamble, the Senator from Missouri from his seat said it could only be considered after the joint resolution was passed?

Mr. CLARK of Missouri. I said that under the parliamentary practice it should be considered after the joint resolution was passed.

Mr. CONNALLY. Are we not doing that very thing?

Mr. CLARK of Missouri. The Senator from Texas made no offer to have it read for information, never made the slightest offer to apprise the Senate of what he and this little caucus group had been framing up.

Mr. CONNALLY. If the Senator from Missouri could get that "little caucus" out of his system we would make a great deal of progress. The Senator from Missouri admits that when the Senator from Texas rose and offered the preamble he said it could be considered only after the passage of the joint resolution.

Mr. CLARK of Missouri. That was correct.

Mr. CONNALLY. It is correct, the Senator says. That is what we are doing now. Yet the Senator from Missouri and the Senator from Montana boil over like one of the spouting geysers in Wyoming.

Mr. LEE. Mr. President, will the Senator from Massachusetts yield?

Mr. WALSH. I yield.

Mr. LEE. I merely wish to state that I have been sitting here this evening, and I know of my own knowledge that

three times the Senator from Texas tried to offer this preamble when we were acting on amendments; and had it been permitted at that time it would have been adopted, no doubt, by a voice vote without objection, and in fair play to the Senator from Texas I think we ought to accept it at this time.

Mr. BARKLEY. Mr. President, will the Senator yield for a suggestion in regard to this matter?

Mr. WALSH. I yield.

Mr. BARKLEY. While it is true that ordinarily in the passage of bills in the Senate and the House preambles are offered after the vote, the present situation is a little different. This measure came to us with a preamble in it. The Senate committee could have written a preamble in it instead of the one it struck out. It could have included any part of the House joint resolution, but did not do so. I doubt very seriously if the Senator from Missouri was correct in making the point of order that a preamble—

Mr. CLARK of Missouri. Mr. President, I did not make a point of order. I simply made the remark in my speech.

Mr. BARKLEY. Well, anyway, the Senator did so by inference. I doubt very much if the point of order could be made when there is a joint resolution from the House which contains a preamble as a part of the measure they sent over here. I think it would have been in order to offer the amendment on the floor before we voted on the measure. But under the advice of the Senator from Missouri, who is, as we all know, an expert parliamentarian, the matter was not pressed. It seems to me the Senator should not take advantage of the technicality.

Mr. CLARK of Missouri. If the Senator is correct in that, it is too late to offer it now.

SEVERAL SENATORS. Vote! Vote!

Mr. WALSH. Mr. President, I have no desire to contribute anything to the turmoil, if I may call it that, in the Chamber. It is apparent that the language of the preamble offered by the Senator from Texas is objected to because some Members of this body think it proclaims statements or assertions which the measure itself does not warrant. Others claim that it contains assertions which the language of the measure justifies. I personally think the American people are not interested in whether we think this measure is neutral or not, but they would like to get a message tonight, Friday, October 27, that the United States is against war and does not intend to engage in war. Never mind whether we are for a law which asserts an attitude of neutrality or whether we are for a law which does not represent it, but Friday, October 27, on the passage of this momentous legislation, let us send a word of cheer and of hope and of encouragement to the American people that we are not afraid to say we have no desire to participate in the European war or to engage in any war except for our own national defense.

Who can object to that? What is there in the language of this measure which indicates that we are not against war? That we do not intend to participate in war? That we have no desire to engage in war? So it seems to me there should be no objection to proceeding with the preamble offered by the Senator from Texas, but it should carry, in addition, a plain, simple statement that we do not propose to participate in the present European war at this time, when we are passing this law asserted to be a neutrality measure.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. BORAH. I desire to ask a question of the Senator from Massachusetts, and I should like also to have the attention of the Senator from Texas. I suppose it will be conceded that if we were construing this measure we would have to confine ourselves to the measure itself to find out what was in it, and what we were bound by, and not include a preamble for that purpose.

Mr. CONNALLY. As to the provisions of the measure, of course that is true. But the proposed preamble is simply a statement of policy to inform the country and the world why we are enacting the legislation.

Mr. BORAH. But the Senator in his proposed preamble says the United States reserves its rights under international law. Suppose that question should arise; it would

have to be determined entirely by the terms of the measure itself as to whether it preserved our rights under international law. That could not be determined by consulting the preamble.

Mr. WALSH. Mr. President, the Senator is absolutely correct. Let me say that some weeks ago it was suggested that a preamble be attached to the joint resolution indicating an attitude of avoidance of war. That did not seem to me to be necessary, for, as the Senator says, the measure speaks for itself. But the preamble is offered to us now, and it goes only so far as to indicate an attitude of neutrality. And now that a preamble is proposed, I should like to have it make a positive declaration of our desire in the passage of this joint resolution to avoid involvement in the present European war.

Mr. BORAH. If the courts were called upon to construe the measure, they would exclude the preamble altogether.

Mr. WALSH. I have no doubt of that. But I assume from what has been taking place in the Chamber in recent days, that the motion to have a preamble attached would be adopted, and I have tried to associate with the preamble, or attach to it, some hope that the joint resolution is not one to promote or encourage war.

Mr. BORAH. I am not against the Senator's suggested addition. I think the additions already incorporated add nothing to the terms of the measure.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. MALONEY. I should like to point out that the preamble proposed by the Senator from Texas and the Senator from Nevada is in exactly the same language as that of the Senator from Massachusetts. It contains the language, "desirous of avoiding involvement therein." That is substantially the language used by the Senator from Massachusetts. I will read from the preamble offered by the Senator from Texas.

Mr. CLARK of Missouri. Mr. President, permit me to inquire of the Senator from Connecticut whether he has been one of the few Senators to see a copy of the proposed preamble?

Mr. WALSH. Mr. President, I will not prolong the discussion, but I seriously present this amendment and I want the Senate to go on record, and to say to the American people tonight, on the passage of this legislation:

Whereas the United States of America desires to avoid participation in the present European war; and

Whereas it desires to serve notice to the world that it intends to keep out of participation in all wars except wars for its own safety and defense, and to remain neutral—

I move that that language be added to the preamble as proposed, and on that question I ask for the yeas and nays.

Mr. NORRIS. Mr. President, I ask that the amendment proposed by the Senator from Massachusetts be divided, and that the vote be taken first on the first branch of the amendment.

Mr. MALONEY. I was going to make the same suggestion the Senator from Nebraska has made—that the Senator divide his proposal. The Senator from Nebraska anticipated me.

Mr. WALSH. All I desire is to have an expression of the Senate as to the attitude of the United States in respect to war. I shall willingly and gladly ask a roll call first on the first part of the amendment, as follows:

Whereas the United States of America desires to avoid participation in the present European war—

On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. RUSSELL. Mr. President, I was not able to understand exactly what the proposal was.

The PRESIDING OFFICER. Will the Senator from Massachusetts send forward to the desk the amendment offered by him so it can be stated by the clerk?

Mr. RUSSELL. The amendment has not been stated at the desk.

Mr. WALSH. It is as follows:

Whereas the United States of America desires to avoid participation in the present European war—

Mr. RUSSELL. It should be reported at the desk.

Mr. WALSH. Mr. President, I use the same language as that used by the Senator from Texas.

The PRESIDING OFFICER. The Senator from Georgia [Mr. RUSSELL] requests that the amendment be stated at the desk by the clerk.

Mr. RUSSELL. Is the amendment of the Senator from Massachusetts a substitute for the one which is pending, or is it a different matter; and if so, where does it come in? How will the proposed preamble read if amended?

Mr. WALSH. The amendment should precede the language of the amendment offered by the Senator from Texas.

Mr. CONNALLY. Mr. President, I will accept the part of it just read by the Senator from Massachusetts if he will not offer the remainder of it. I will accept the first part, but not the latter part.

Mr. WALSH. I have agreed to divide the amendment and to have a vote on the first part and then to have a vote on the second part.

Mr. RUSSELL. Mr. President, a point of order.

The PRESIDING OFFICER. The point of order will be stated.

Mr. RUSSELL. Is it in order for an amendment to be voted on by the Senate when it has not been reported by the clerk from the desk?

The PRESIDING OFFICER. It should be reported from the desk. The Senator's point of order is well taken.

The clerk will state the amendment offered by the Senator from Massachusetts.

The legislative clerk read as follows:

Whereas the United States of America desires to avoid participation in the present European war; and

Whereas it desires to serve notice to the world that it intends to keep out of participation in all wars except wars for its own safety and defense, and to remain neutral—

The PRESIDING OFFICER. Let the Chair ask the Senator from Massachusetts if he offers that as an amendment to the amendment to the preamble offered by the Senator from Texas [Mr. CONNALLY]?

Mr. CONNALLY. Mr. President, since this matter would be entirely and wholly and freely before the conference, since the House measure contained a preamble and the Senate committee struck it out, and therefore it will all be in conference, so far as I am concerned, I withdraw the preamble.

Mr. WALSH. Since request is made to withdraw the amendment, my amendment is not in order. I will let the action of the Senate speak for itself.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the committee proposing to strike out the preamble contained in the House joint resolution.

The amendment was agreed to.

The question now is on the amendment of the title.

The title was amended so as to read: "Joint resolution to preserve the neutrality and the peace and the United States and to secure the safety of its citizens and their interests."

Mr. PITTMAN. I ask unanimous consent that the joint resolution, as amended, be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO TUESDAY

Mr. BARKLEY. Mr. President, I move that the Senate adjourn until 12 o'clock noon on Tuesday next.

The motion was agreed to; and (at 9 o'clock and 45 minutes p. m.) the Senate adjourned until Tuesday, October 31, 1939, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

FRIDAY, OCTOBER 27, 1939

The House met at 12 o'clock noon.

Rev. Luther A. Thomas, D. D., pastor of Emmanuel Lutheran Church, Lincolnton, N. C., offered the following prayer:

O God, for the leadership in generations that have lived, and loved, and wrought, we give Thee thanks; for Thy living presence we glorify Thee; for the way, which Thou art, we bless Thee; for the truth, which has made our tasks understandable, we declare our gratitude with tender hearts; for the life with which Thou hast enriched the world we pledge a more abundant manner of living. Make us not unmindful of enticing dangers, but make us more conscious of an abiding and availing power. With a faith in our fellow man akin to that of the Master, may we, with Him, labor for the common good of all mankind. Grant that our traditional zeals continue to be living realities. Give us a wisdom to know, and a love to interpret, and a courage to do. Endow us with tender consciences and with determined convictions. Make clear to our eyes the halo about the world's first Statesman, of whom it is unanimously written: He went about doing good. We make our common petitions in the name of Him who said,

Be of good cheer, I have overcome the world; and lo, I am with you always.

Amen.

The Journal of the proceedings of yesterday was read and approved.

THE DIES COMMITTEE

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and include therein two letters addressed to the Dies committee by ladies whose names appeared as being members of the League for Peace and Democracy and who deny such membership.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. DEMPSEY. Mr. Speaker, I also ask unanimous consent to place in the RECORD the official record of the Dies committee, showing my protest against the publication of the names of the members of that organization.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. DEMPSEY. Mr. Speaker, I take this brief time to call the attention of the Members of the House to the attitude of the Dies committee in publishing the names of some 550 persons in Government service who are supposed to have belonged to the League for Peace and Democracy. The Dies committee made no effort to ascertain whether or not a single person named on that list actually was a member, notwithstanding my protest and desire to go into executive session and give to the committee the knowledge which I had to the effect that many of these persons were not members of the league and that many persons whose names are not on the list were members of the league.

I shall place in the RECORD today letters from a school teacher in the city of Washington who never even heard of the league, a teacher at the Eliot Junior High School by the name of Lamberton. On the list there was a Mrs. Lamberton, who may or may not have been a member of this organization, but we identify this particular Mrs. Lamberton by saying she was a teacher in the Eliot Junior High School. As a result of this there have been protests and demands for this lady's dismissal. As a matter of fact, there is no finer, cleaner, or more democratic and patriotic lady in this country than she.

[Here the gavel fell.]

The letters referred to were as follows:

WASHINGTON, D. C.,
October 26, 1939.

HON. MARTIN DIES,
Chairman, Committee on Un-American Activities,
House of Representatives, Washington, D. C.
DEAR SIR: I notice in a list purported by your committee to be a membership roster of the Washington organization of the American League for Peace and Democracy the name of Mrs. B. P. Lamberton, described as a teacher at the Eliot Junior High. In view of the

fact that I am the only Mrs. Lamberton thus employed, I perforce must assume that I am the person so designated in the list.

For your information, and so that the record may be straight, I take this occasion to advise you that I am not now, nor have I ever been, a member of the American League for Peace and Democracy, and, further, I never have made any contribution to this organization, nor have I ever had any contact with it. In a sense of fairness, I trust that your committee will see that this erroneous publication is corrected.

Yours very truly,

(Mrs.) B. G. LAMBERTON.

UNITED STATES DEPARTMENT OF LABOR,
WAGE AND HOUR DIVISION,
Washington, October 26, 1939.

HON. JOHN J. DEMPSEY,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN DEMPSEY: I am glad to know that you objected to the erroneous publication of the names of individuals alleged to be members of the League for Peace and Democracy. I for one was an innocent victim of this exposure, and am enclosing for your information copies of letters I have written to Chairman DIES and to the members of the Senate and House from the State of Connecticut, my legal residence. The information can be used in any manner you see fit.

Very truly yours,

HELEN WOOD,
Acting Administrative Assistant.

OCTOBER 26, 1939.

HON. JOHN A. DANAHER,
United States Senate, Washington, D. C.

DEAR SENATOR DANAHER: I am enclosing a copy of a letter which I have today written to Congressman MARTIN DIES regarding the publication of my name as a member of the League for Peace and Democracy.

As you undoubtedly are aware, for the past 8 years I was in the employ of the State of Connecticut as deputy labor commissioner and later as executive director of the unemployment compensation division. I feel that the erroneous connection of my name with the activities of the Dies committee is not only a reflection on me personally but upon the State of Connecticut for having had on its staff someone reputed to have been connected with un-American activities.

You may use this letter in any way you see fit to correct the abuse which innocent people are experiencing at the hands of the Dies committee.

Very truly yours,

HELEN WOOD,
Acting Administrative Assistant.

UNITED STATES DEPARTMENT OF LABOR,
WAGE AND HOUR DIVISION,
Washington, October 26, 1939.

HON. MARTIN DIES,
Chairman, Committee for Investigation of Un-American Activities, House of Representatives, Washington, D. C.

DEAR CONGRESSMAN DIES: I notice in the papers of last evening that my name is listed as being on the membership and mailing list of the Washington chapter of the American League for Peace and Democracy. I would like to call your attention to the fact that I have only resided in Washington, D. C., since February 1939; that I am not a member of the league; and, as far as I know, I am not on their mailing list, inasmuch as I have never received any of their literature.

I demand that this erroneous publication be corrected in the official record and in the press and that you send me a letter apologizing for the error that has been made.

A copy of this is going to the Senators and Representatives from the State of Connecticut, my legal residence, with a letter advising them that they can use this in any manner they wish to prevent further activities of this nature by your committee.

Very truly yours,

HELEN WOOD,
Acting Administrative Assistant.

The official record of the Dies committee referred to follows:

HOUSE OF REPRESENTATIVES,
SPECIAL COMMITTEE TO INVESTIGATE
UN-AMERICAN ACTIVITIES,
Washington, D. C., October 25, 1939.

The committee met at 10:30 a. m. in the caucus room, old House Office Building, Hon. MARTIN DIES (chairman) presiding.

The CHAIRMAN. The committee will be in order.
Present: Messrs. STARNES, MASON, VOORHIS of California. Also present, Mr. Rhea Whitley, counsel.

Mr. MASON. Mr. Chairman, I make a motion that the Chair carry out the instructions given him in executive session yesterday, and that this statement and list be made a part of the record, so that it is a privileged matter.

Mr. VOORHIS. Mr. Chairman, other members of the committee would like to be here, I am sure, before that action is taken.

Mr. MASON. We waited until 10:30.

(The question was put and the motion was agreed to.)

Mr. VOORHIS. Mr. Chairman, I cannot vote for that.

Mr. MASON. Mr. Chairman, has the motion carried?

The CHAIRMAN. Yes; the motion has carried. Give the statement out.

Mr. DEMPSEY. May I ask counsel to suspend for a moment? I should like to make a statement to the chairman and members of the committee. I understand that in executive session the committee adopted a resolution to release to the press and the public the names of the members of the American League for Peace and Democracy. I am afraid in doing that you have released not only the names of members but you have released the names of people who have contributed, for instance, to the Spanish refugee fund but who are not members of the League for Peace and Democracy at all.

So far as I am concerned, I want to protest against any such action. I think it is most un-American. And as a member of this committee, I am not here to be a party to injuring anybody who is innocent or who has joined an organization, not knowing the purpose of the organization, and who has resigned after finding out the purpose of the organization. I think it is most reprehensible for this committee to pass any such resolution and release the names of 800 people, many of whom will be accused of being Communists when, as a matter of fact, there is no member of the committee who is any better an American than many of the people who are now going to be charged with being affiliated with the Communist Party.

As a member of this committee, at no time am I going to smear anybody. No politics is going to be injected into this. There is not going to be any politics so far as I am concerned. I think what we have done is the most damnable thing, and I just want to go on record to that effect.

Mr. MASON. It is too bad, Mr. DEMPSEY, you did not go on record yesterday when the action was taken.

Mr. DEMPSEY. Had I been present yesterday I would have. I had official business of importance elsewhere. This morning I advised the chairman that I was going to move to go into executive session, and he agreed that would be the thing to do. I had a long-distance call, and I was 3 minutes late in getting here. The committee and you, personally, Mr. MASON, were not sufficiently courteous to wait 3 minutes so that I might be here.

I do not care what action any member of this committee takes. I am only responsible for myself.

Mr. MASON. This is not an action by any member of the committee. This is an action by the majority of the committee, and the majority of the committee rules. So far as partisanship is concerned, I have not shown any of it on this committee. I have even protested when others have shown it.

Mr. DEMPSEY. You say that a majority of the committee have taken action. You mean a majority of those present.

Mr. MASON. Yes.

Mr. DEMPSEY. That is different; you may have four people present.

Mr. MASON. That is a majority of the committee.

Mr. DEMPSEY. That does not represent the voice of the committee.

Mr. MASON. It voices the opinion of the majority of the committee. That action was taken, and that settles it.

Mr. STARNES (presiding). Gentlemen, do not let us have any personalities.

Mr. MASON. This is not a personal matter with me at all.

Mr. STARNES. Mr. DEMPSEY has stated his position. That is his personal position, and he has a right to that.

Mr. DEMPSEY. I should like to add this, too. I do not believe a majority of the committee present now would favor any such resolution.

Mr. VOORHIS. Mr. Chairman, I would like to say a word. First of all, I would like to say that I do not believe Mr. MASON acted from partisan motives.

Mr. MASON. Absolutely not.

Mr. VOORHIS. I think he acted in the way he thought was right. But, for my own sake, I would like to say that I am in accord with Mr. DEMPSEY's feelings about this matter and with what he said. Yesterday I pointed out to the committee the way I felt about this matter. I did not feel that it was the wise thing to do. I had not intended to make any public statement about the matter, because when the committee takes action, I am willing to abide by the decision the majority makes.

But that is my view; and, since the matter has come up today, I think, in justice to myself, I have a right to say that.

Mr. STARNES. Nobody objects to any member of this committee making any statement he wishes with reference to his personal feelings about any matter, whether it is the conduct of the committee or the conduct of an organization, or the conduct of a citizen. That is his right and privilege. But it is strictly understood that these are expressions of personal opinion and the personal feelings of the member who is speaking at the time.

Let us proceed with the examination.

Mr. DEMPSEY. Let me say this to you before you proceed with the examination: It is my feeling that a Communist should not be employed in the Government service at all. And that goes for the Nazi as well; I mean those whose loyalty is to the German Government rather than to the American Government. It is my opinion that a Communist's first loyalty is to the Russian Government and not to the American Government. So do not misunderstand me on that.

But I am not in favor of smearing a lot of good American citizens who, just because they inadvertently contributed to something

that had a very patriotic-sounding name—and that is what many of them have done.

Mr. MASON. The statement issued by the chairman under orders of the majority of the committee definitely clears any suspicion of the fact that these people are all Communists.

Mr. DEMPSEY. Mr. MASON, you do this. You published 800 names and let us assume that the committee were to say that 95 percent of these people are not Communists but 5 percent of them are. Unless you point out those that are, then you reflect upon every other one of the 95 percent who are not.

Mr. MASON. More than a year ago we found, by a majority of this committee, that this was a Communist-front organization, and we notified the world in our report of that. That was followed by action on the part of this local chapter of putting on a campaign for increased membership as a deft of that report. It seems to me we have no reason to protect such people.

Mr. DEMPSEY. Mr. MASON, we did point out, as you say—
Mr. STARNES (interposing). I want to be courteous to the gentlemen, but I do not think it helps the committee or the conduct of the investigation to debate this matter after it is closed. If any Member wishes to make a statement to the press expressing his views, he is at liberty to do so. But I do not think it is proper procedure for the members of the committee to engage in a controversy on a matter that is already a closed chapter.

Mr. DEMPSEY. It is not a controversy so far as I am concerned. I am simply stating my position.

Mr. STARNES. Which you have a perfect right to do.
Mr. DEMPSEY. If you will allow me to continue for a minute. This committee did point out that this American League for Peace and Democracy was a front organization. As a result of that, I have personal knowledge of many, many withdrawals. Yet their names will appear in the press as members of this organization. That is what I am taking exception to.

Mr. MASON. They can then point out that they have withdrawn.

Mr. DEMPSEY. Yes; that is a fine thing to do.

Mr. STARNES. Proceed with the examination, Mr. Counsel.

EXTENSION OF REMARKS

Mr. WOODRUM of Virginia. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including therein a letter from Bushrod Washington to George Washington, and his reply.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. LEAVY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter and extracts from previous proceedings of the House.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a recent magazine article by myself.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. DISNEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address by Gov. Leon C. Phillips, of Oklahoma, at Fort Worth, Tex., discussing the bill for oil regulation known as the Cole bill, now pending in Congress.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ANDERSON of Missouri. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address by Chester Thompson, a former Member of this body.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. THILL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein two tables on the subject of the cost of the World War.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ENGEL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter I have received on the arms embargo.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein an article written by David Lawrence appearing in last night's Washington Evening Star, entitled "Congress Can End 'Front' in Government; Holds Purse Strings of Members in Employ of United States." This article bears directly on the speech I expect to make on the floor of the House this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HANCOCK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting therein an address delivered last evening by our colleague the gentleman from New Jersey [Mr. EATON].

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

AMERICAN YOUTH

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GROSS. Mr. Speaker, I cannot understand why the heads of the administration are continually going out over the country defending themselves. Back in the days of St. Paul it was definitely set forth that a man's works speak louder than his words. I had to listen yesterday to Aubrey Williams, head of the National Youth Administration up in the State of Pennsylvania, declaring "that the average American can only buy one overcoat in 11 years and the average woman one hat in 3 years." He declared "that the American system of government is wrong and that it will correct itself if we fail to do so." This sounds like a "red" speaking. This was just as nauseating to the people of Pennsylvania as it was for Secretary Wallace, out in California, to declare that the present war situation demands the President's reelection. I am now convinced that the administration is in a position to and is going to capitalize on the present international situation and that our entry into the war depends on whether or not it will be necessary to go to war in order to continue the present administration of the New Deal.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein an address I delivered in Pennsylvania yesterday in Caledonia State Park, setting forth the evils of the wet-nursing of youth by this administration and the fact that there is opportunity for youth in this country yet, regardless of what New Deal leaders may say.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GROSS. Mr. Speaker, the address to which I referred is as follows:

Mr. Chairman, it is a very great pleasure for me to be here today at this dedication of the Caledonia Conservation Museum and demonstration area by the Department of Forests and Waters of Pennsylvania, together with the National Youth Administration.

And in these 5 minutes allotted me I want to deal with the oft-repeated assertion that the youth of America has no future. I want to further say that there is no more appropriate place for this museum than here in this beauty spot of Franklin County. Pennsylvania from Delaware to Ohio and from New York to the Mason and Dixon Line is noted for its wealth and its beauty. But regardless of its geographical location, Caledonia Park is the central attraction in Pennsylvania. Here in these mountains a tired man may come and relax and receive new energy. A weary soul will feel just a little closer to God here in the forest and receive strength to carry on. Here where wild game lures the sportsman he can enjoy himself and go back to his business with renewed energy. And here amid nature at its best youth can find inspiration to rise above the common level and say, "Thank God I'm an American. I don't want relief; I want a job."

I highly approve of all the constructive things the National Youth Administration is trying to accomplish, but I do find myself growing more and more impatient with the theme song of sadness that is being chanted throughout the United States, the principal

refrain of which is "There is no opportunity for youth." I venture the assertion that there has never been a time in the history of this country when there has been a greater demand for brains and ability, for youthful ideas and courage, than today.

Executives all over the country are looking for young men and women today to step into the ranks of business and industry and carry on. It is perfectly apparent that executives are constantly growing old, and their places are of necessity being taken by our younger men and women.

New ideas in human service are being demanded. New ideas in business and in industry and in government are in demand. The new science of farm chemistry—the industrialization of farm products, the use of farm products as raw materials for manufacturing—is calling with a veritable clamor for young men and women to enter upon a future vastly more promising, of greater opportunity, than even the automotive industry ever offered to the youth of America.

Chemistry, the new science of air-conditioning, modern refrigeration, modern transportation, all of these are literally sciences which have been born within the last 10 years. Talk about there being no opportunity for youth. Why, Mr. Chairman, opportunities exist on every hand for young men and women who can see dignity in labor and who have the thrift, the independence, the self-reliance, and the initiative to go to work.

There has been entirely too much wet-nursing young men and women and trying to make them believe that opportunity is gone, and that the depression has blighted their future and condemned them to the bread lines or the W. P. A.

To be perfectly frank, there are only two dangers facing youth today in America. One of these is that we might get mixed up in the wars of Europe. And the second danger that youth faces is the mounting public debt and the continuing annual deficits which are piling up, and which may take all too much of the energy and the sweat and the toil of American youth in years to come.

I have no fear that youth of America of today will not give as good an account as did the youth of my day, provided they are given the same fair chance and are not wet-nursed into the belief that it is no use to try.

Of course youth can fail; middle-age can fail; so can old-age if we never try.

So then I bring you this message, and I hope it reaches every young man and woman in this country, and that message is this: "Raise your heads in courage and let not your hearts be fearful. There is opportunity for those who will work. So choose your opportunity and be captains of your own fate, because the world of today belongs to youth, and the opportunities are there for the taking."

The SPEAKER. Under special order heretofore made, the gentleman from Ohio [Mr. SMITH] is recognized for 20 minutes.

THE LIFTING OF THE ARMS EMBARGO WILL PUT US INTO WAR

Mr. SMITH of Ohio. Mr. Speaker, in a critical time such as we are now in, when powerful forces are acting to agitate the minds of the people and inflame their passions, as a Representative in Congress, I deem it highly essential to keep my mind as free as possible from all bias, so that I may judge and act in an unprejudiced and intelligent manner. I am especially cautious not to permit myself, even in the sanctum of my own private thoughts, to take sides with either of the belligerent groups. I deem it incumbent upon myself to steadfastly maintain this detached attitude of mind. Only in this way can I assure myself of being able to exercise my best judgment and most properly serve what I believe to be the best interests of my country. I follow as nearly as I can the pattern of George Washington.

The one and only premise upon which I permit myself to form any opinion is, What is best for my own America? This attitude has fixed itself in my mind more especially because of the profound conviction that I have that the physical constitution of our economic body is so gravely ill that it cannot withstand much more strain without breaking down completely, that we dare not do the least thing to harm it further, and that we must strive with all our efforts to relieve the stress upon it.

The purpose of lifting the arms embargo can now certainly no longer be in doubt. The debates in the Senate make it clear that it is to aid one of the belligerent groups. The permanent record is there and I feel sure history will confirm my judgment in this.

The President, in his address to the House last September, admitted as much when he said:

Repeal of the embargo and the return to international law are the crux of this issue.

The enactment of the embargo provisions did more than merely reverse our traditional policy. It had the effect of putting land

powers on the same footing as naval powers, so far as sea-borne commerce was concerned. A land power which threatened war could thus feel assured in advance that any prospective sea-power antagonist would be weakened through denial of its ancient right to buy anything anywhere. This, 4 years ago, gave a definite advantage to one belligerent as against another, not through his own strength or geographic position but through an affirmative act of ours.

I conceive it impossible that history can do other than accept this statement at its face value, namely, that the President's purpose in lifting the arms embargo is to definitely, by positive action, place the Government of the United States on the side of one of the belligerent groups.

Parenthetically, we should like to inquire where is there anything in international law which guarantees any nation, sea power or other, any "right to buy anything anywhere"? Were we violating international law when we refused to sell helium to Germany? Are we violating international law if we refuse to sell opium to China?

The proposed legislation is so involved in a maze of absurdities and contradictions that they stun the imagination. The claim made—that this is a neutrality measure; that its purpose is to keep us out of war and to return to international law—is, in my opinion, an insult to the intelligence of the Congress and a travesty upon the faith of our people.

Think of it! The proposal to lift the arms embargo and return to international law is tied up with the proposal to voluntarily surrender the most vital maritime rights which have been guaranteed us by international understanding and custom since the founding of our Nation. What international interests are to be left to us, that concern the laws of nations, after we give up our rights to sail our own merchant ships upon the high seas? The repealists are arguing strongly that we went to war in 1917 because our maritime rights were violated. The administration's floor leader especially has taken this position. What sort of reason is it, what kind of mental process is it, that justifies our having gone into the war in 1917 to protect our maritime commerce under international law and which at the same time now contends we must voluntarily relinquish all that we fought for so as to conform to international law? How is it possible to reconcile the idea of an appeal to our rights under international law as an argument for repealing the arms embargo, with the idea of voluntarily surrendering our most important sea-trade rights under international law?

In my judgment, the whole argument of the advocates for repeal of the arms embargo and the substitution therefor of the so-called cash-and-carry provision breaks down so utterly and completely on this single point alone that there is nothing left of it.

The bare truth is, the phrase "cash and carry" is a seductive bait which is being deliberately used to fool the American public. The people do not understand it now. I am not so certain, however, that they will not learn about it later.

Nearly all of the advocates of repeal strongly emphasize the "carry" feature. This is the principle sop they throw out to the people of this country for their support.

The President himself places special emphasis upon the need of the "carry" provision. In speaking of the present embargo provisions, in his September address, he said:

They furthermore allow such products of industry and agriculture to be taken in American-flag ships to belligerent nations. There in itself, under the present law, lies definite danger to our neutrality and our peace.

I am not arguing that the "carry" feature, if actually enforced—of which there is no assurance it will be if the proposed law is passed—might not be a help in keeping us out of war. What I am contending is, that this is not the purpose of the "carry" feature, but the real purpose is to lift the arms embargo and make it possible to sell war supplies to the belligerents.

Last July the President asked for the repeal of the arms embargo. Then he did not ask for the so-called cash-and-carry provision. Why? It cannot be because new conditions have arisen, because he told us in his address in September he "foresaw last January" what was coming which caused him to ask in July for a change in the neutrality law. His

bill failed to pass. It was not until we were called to this special session that this lurid proposal was made.

How is it that in July he considered the repeal of the arms embargo necessary to the "cause of peace and in the interest of real American security" but did not discover until September that cash and carry, and especially carry, are vital to that interest and security?

How is it that in July the embargo provisions were considered by him to be "most vitally dangerous to American neutrality, American security, and American peace," and 2 months later he discovered that failure in having the "cash and carry" provision in the law was even more vitally dangerous to "American neutrality, security, and peace"?

Definite proof that the cash-and-carry provision has only been added as a talking point and to mislead the public was established when the advocates of the present resolution refused to accept Senator TOBEX's proposal to first enact the cash and carry and then debate the embargo.

The cash feature is put into the proposal to allay the feeling of resentment our people have against the failure of European nations to pay back the money they borrowed from us in the other war. Here is being perpetrated upon our people what appears to me to be the gravest injustice. In certain remarks I had placed in the RECORD on the 28th of last September I showed the utter fallacy of there being any cash, so far as payment in gold is concerned. No doubt gold will be used, since the belligerent group that would buy from us have between five and six billions of the yellow metal.

Insofar as payment in gold will be made, it will be another case of American workmen and producers giving away their labor, just as we did in the other war.

Whether the lifting of the arms embargo would involve us in the war, and to what extent, would depend on the amount of war supplies our Nation would sell. One of the belligerent groups is exceedingly desirous that we join them in their war. No one questions this. They have the gold to buy in almost unlimited quantities. We have the capacity to produce war materials in almost unlimited quantities. Knowing that the more war materials they would buy the more likely would we be to become involved in the war on their side, of course, they would buy in the largest quantities possible.

Suppose the embargo is repealed and the day thereafter England and France order five or ten thousand military planes (Aircraft Year Book, p. 34, states 5,500 military planes can be produced a year), fifty or one hundred thousand tanks of various sizes (see America's Munitions, by Crowell, p. 154), 100,000 tons of poison gas and war chemicals (Chemicals in War, Prentiss, p. 85, shows producing capacity of war chemicals, which, no doubt, could now be greatly expanded), and other munitions in the same proportion, would we be in the war or would we not be in it? Of course, we would be in the war. And in my opinion we will have taken a dangerous step that could easily force us to send our soldiers to Europe again.

How it is possible to try to deny this in the face of our past experience and the facts before us is difficult for me to conceive.

I fear many of us labor under a desperately erroneous assumption, except for which we would perhaps all view the proposal before us in a truer light. That assumption is that Congress has the right, by vote, to declare war, that we would be just as free to make such a decision if we lifted the embargo as we would be if we did not lift it. Once the embargo is lifted, immense and powerful industrial and political forces will be set in operation which will inevitably make for our entrance into this war, over which this Congress will have no control whatever.

Before this House decides on final action in this matter let each Member ponder well over just a few things.

First, the money cost of the last war. The figures I am about to give you are explained in a footnote which will accompany my address.

The money cost up to the present time is, in round numbers, \$55,000,000,000.

Since varying figures have been given showing this cost, I deem it advisable to explain how I arrived at this amount. In the June 1930 Annual Report of the Treasury, table 58, beginning on p. 609, is given a statement of money costs of the World War to the United States Government to June 30, 1930. A reference to that statement shows it to be made up of four items—expenditures, receipts, assets, and net war cost.

On p. 612 are given the totals of these items. Under expenditures \$2,746,640,992.03 is given as the amount of interest on the war debt from 1918 to 1921. Revised to bring the amount up to date, this figure is \$12,032,000,000, which was obtained by taking the amount of interest on the war debt as of June 30, 1934, shown on p. 392 of the 1934 Annual Report of the Secretary of the Treasury, as \$9,557,000,000; and, adding \$2,475,000,000, the interest at 2½ percent on the approximately \$15,000,000,000 remaining of the war debt for the 6-year period from June 1934 to June 1940. (Treasury has no figures on interest on war debt since June 1934 report.)

Under receipts (foreign obligations June 30, 1930) the item of \$2,391,518,141.97 was changed to \$2,749,492,491. This was obtained from a Treasury Memorandum Covering Indebtedness of Foreign Governments to the United States, March 1, 1939, p. 12.

Under assets the item of \$7,747,000,000 (foreign obligations) was eliminated entirely. This for the simple reason there does not appear to be any prospect of collecting this money. The total indebtedness of foreign governments to the United States on March 1, 1939, was \$13,119,304,199, with an unpaid principal of \$11,435,645,170.

Another item, \$158,000,000 was stricken from the assets listed, due from the German Government, Account of Army Occupation (June 30, 1927). The German Government still owes \$181,867,133.36 on this account.

With these revised figures the total net war cost to date, excluding \$11,792,082,774 for Veterans' Administration disbursements for relief of World War veterans to June 30, 1939 (figures supplied by Veterans' Administration), and \$88,000,000 for settlement of war claims, act of 1928 (1934 Annual Treasury Report, p. 392), \$43,179,480,651. Including the two latter items, the total net money cost of the World War is \$55,066,563,433.

I estimate the future cost will run the total up well past the \$100,000,000,000 mark.

Assuming an extraordinary supermiracle happens—namely, that the National Budget is brought in balance by June 1940, that it is kept in balance for the next 45 years (debt will be forty-five billions by then), that taxes will be sufficiently in excess of regular operating costs to pay the interest on the debt and retire the same at the rate of \$1,000,000,000 a year until it is completely wiped out, at 2½ percent interest, the remaining war debt (\$15,000,000,000) will cost \$8,625,000,000.

It is impossible, of course, to forecast with any degree of precision the future cost of these veterans' benefits. Sufficient data, however, are at hand to suggest something of what may be expected.

All veterans of the other wars—Civil and Spanish-American—after reaching the age of 65 years, receive \$60 per month. If this provision is made to apply to World War veterans, the estimated cost will be \$21,079,602,189. (Supplied by the Veterans' Administration.)

The present monthly benefit rate for service and nonservice dependents of World War veterans is \$38.12 and \$29.62, respectively (1938 Veterans' Administration Report, p. 71). The average annual number of Civil War dependents who received benefits from 1890 to 1937 was 226,980. (Supplied by the Veterans' Administration.) The number of men who served in the World War was about twice that of the Civil War. Assuming the number of World War dependents will be twice that of the Civil War, at \$30 per month the cost of benefits to World War widows and dependents will be \$7,681,003,200. Civil War dependents from 1927 to 1937 received \$38 per month.

The total amount of disbursements to veterans, including administration costs, but exclusive of \$3,793,864,573 paid out in adjusted-service certificates, from 1918 to 1938, inclusive, was \$7,998,218,200. This is an annual average of \$380,867,533. Even though the plans providing \$60 a month for veterans after the age of 65, and benefits to all widows and dependents, go into effect, disbursements under the present set-up will be heavy for the next 10 or 15 years. An estimate of three to five billion dollars to cover this item would, I believe, be conservative.

During the year 1938 the net operating expense for all hospital and domiciliary facilities controlled by the Veterans' Administration totaled, in round numbers, \$50,000,000. (Veterans' Administration Report, 1938, p. 2.) Over 91 percent of the admissions in 1938 were World War veterans. (Veterans' Administration Report, 1938, p. 10.)

In all, a total of \$194,681,850 had been made available up to 1938 for the construction of hospital facilities. (Veterans' Administration Report, 1939, p. 13.)

Administration costs have averaged in the 21 years about \$77,000,000 annually. Numerous other cost items must be taken into consideration. There will be a large interest charge on the adjusted-service certificate fund, as well as the money borrowed to finance the construction of hospitals. There will inevitably be other extras. The sum of all these items will certainly pass the \$100,000,000,000 mark.

Our participation in the World War brought on the depression, the money cost of which is incalculable. The \$30,-000,000,000 Federal debt, the increased cost to States for relief, the losses caused by undue depreciation of values, the loss of wages caused by unemployment and national income, which is perhaps not less than \$150,000,000,000, the increase in taxes, and so forth, easily adds up to more than \$200,000,-000,000.

Three hundred billion dollars as representing the money cost to us for the part we played in the World War would not be too high.

Of far more serious import is the diseased state of our monetary and credit structure. I shall not go into this part of the picture. But let me say to the House, and to the people throughout the country, that my studies and observations of this part of our economic body lead me to make a diagnosis of a very, very serious affliction here. I consider it so serious that I feel sure the United States could not finance a long war.

More serious still was the fearful price we paid in lives and wounded and maimed. Nearly 40,000 of the flower of our manhood gave their all. Nearly fourteen thousand died of wounds. There were more than 53,000 combat deaths. More than two hundred thousand were wounded, though not mortally. Three hundred and fifty thousand five hundred and ninety World War veterans were left permanently crippled because of their service in the war.

What sacrifices would the mothers of this country be compelled to make if we were plunged into another war? Would our casualties be counted in the thousands, or possibly in the millions?

Suppose we should be forced to send our men to Europe to engage in this war. Suppose that which we all believe could not happen but which, judging from past experiences, might happen, namely our defeat; who then in this whole United States would rise up and admit responsibility for sending our troops to Europe? Where would our God-given 3,000 miles of ocean defense be then? What would become of America under those terrifying conditions? [Applause.]

Let us, from the standpoint of our own interests, thinking constantly of the absolute needs of our own country, look all of the facts squarely in the face. Let us endeavor to think this whole problem through before we act in this, to me, the most critical hour in the life of our Nation.

As for myself, the lifting of the embargo would be the setting free of powerful and uncontrollable forces that would make strongly for a repetition of 1917, only with more disastrous consequences.

From my studies I am convinced the United States cannot endure another such a war, economically or financially, and retain anything like the system of government and industry we have lived under and cherish. The forces of disruption and chaos are already working strongly within our system. Another war would, in my opinion, create the necessary condition for the completion of these disintegrating forces.

I feel it my high duty to oppose, by every honorable means possible, the lifting of the arms embargo. [Applause.]

Mr. THORKELSON. Mr. Speaker, will the gentleman yield at that point?

Mr. SMITH of Ohio. I yield to the gentleman from Montana.

Mr. THORKELSON. Mr. Speaker, it is absolutely a fact, is it not, that Congress will be responsible if we become involved in the war?

Mr. SMITH of Ohio. That is absolutely true.

Mr. CREAL. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Ohio. Yes.

Mr. CREAL. The gentleman stated that when we lift the embargo we are in war. When are all of the neutral countries now selling to both sides in the war?

Mr. SMITH of Ohio. I know of no neutral country that is selling to both sides.

Mr. CREAL. Well, to one side.

Mr. SMITH of Ohio. I know of no neutrals that are selling to one side. If the gentleman will read my address in the House on October 12, and my remarks in the Appendix of

the RECORD, page 351, he will see that the prohibition of the sale of arms by neutral countries to belligerents is a common practice; that this practice has been growing steadily for a hundred and fifty years; and that the United States has been one of the most backward nations in this advancement.

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Ohio. Yes.

Mr. FISH. Evidently there is a great deal of misunderstanding, or there has been a great deal of misstatement on this particular proposition. I say, without fear of contradiction, that there is not a single nation in the world that sells arms and ammunition to any of the belligerent nations—not one of the European nations or the other nations—and yet they want us to repeal our law in order to do something that no other nation does.

Mr. SMITH of Ohio. In 1931 the British Government established a complete arms embargo and the Scandinavian countries have all issued current complete embargo decrees. [Applause.]

ADJOURNMENT OVER

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore (Mr. KITCHENS). Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an editorial from the Detroit Free Press.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Under special order of the House heretofore made the gentleman from Michigan [Mr. HOFFMAN] is recognized for 10 minutes.

THE C. I. O. AND FREE SPEECH

Mr. HOFFMAN. Mr. Speaker, Wednesday, on the floor of the House, the gentleman from Washington [Mr. COFFEE] very forcefully pointed out that the safety and the security of our Government, to a great extent, rested upon the observance of the right to free speech and a free press.

He might have gone further and have said with equal truth that neither the prosperity, the political, or the religious liberty of the citizen can endure unless the constitutional safeguards protecting the citizen in his right to work, to own, hold, and enjoy property are maintained.

To the sentiments just expressed practically all of our people render lip service and all patriotic Americans give support without reservation. The gentleman used his laudation of the constitutional guaranty of the right of free speech and a free press as the vehicle to carry him to a bitter attack upon the Dies committee and to a defense of Government employees who are members of an organization which was founded by and whose activities are substantially controlled by another organization which advocates the overthrow of our Government by force.

The gentleman's condemnation of the Dies committee, his defense of the Washington members of the American League for Peace and Democracy, would have been more convincing had he heretofore condemned activities similar to those which he claimed the Dies committee practiced when other governmental agencies interfered with the right of free speech, a free press, and the civil liberties of American citizens, and had he been more accurate in his statements.

The gentleman from Washington [Mr. COFFEE]—and I am glad he is present now, I just sent word to him that I was about to speak—talked at length about the right of a man to join or not to join an organization. Time and time again has he stood on the floor of this House and spoken in favor of the C. I. O., which denied the right of a man to work unless he joined that particular organization—

Mr. COFFEE of Washington. Will the gentleman yield?

Mr. HOFFMAN. And which disputes his right to join the A. F. of L. on the west coast, and still hold a job.

Mr. COFFEE of Washington. Will the gentleman yield at that point? If you are going to lie about me in the Record, I hope you will allow me to interrupt you.

Mr. HOFFMAN. I did not lie about you. I just told the truth about you.

Mr. COFFEE of Washington. I wish, if you are going to make misrepresentations about what I have discussed, that you will permit me to interrupt you at that point.

Mr. HOFFMAN. If I can have more time, I will be glad to yield. You had time yesterday.

Mr. COFFEE of Washington. I made no distinction in my befriending of any labor organization on this floor.

Mr. HOFFMAN. Oh, did you not talk in favor of the C. I. O.?

Mr. COFFEE of Washington. I have championed the C. I. O., the A. F. of L., and the railroad brotherhoods indiscriminately, not one as against another; and any cheap attempt on anybody's part—

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that I may have 10 more minutes.

Mr. COFFEE of Washington. I will be glad to ask for it for you. I ask unanimous consent, Mr. Speaker, that the gentleman may be accorded 10 more minutes.

The SPEAKER pro tempore (Mr. KITCHENS). Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. COFFEE of Washington. I hope the gentleman will not mislead any of us into believing that I have taken the side of one great labor organization in opposition to another. My sole interest is in defending all organized labor, whether it be C. I. O., A. F. of L., or the railroad brotherhoods.

Mr. HOFFMAN. Are you through?

Mr. COFFEE of Washington. Yes.

Mr. HOFFMAN. Have you not time and again stood on the floor and defended the C. I. O.?

Mr. COFFEE of Washington. Not as against any other labor organization.

Mr. HOFFMAN. Have you not time and again stood on the floor and defended the C. I. O.?

Mr. COFFEE of Washington. I have befriended it on two or three occasions when I thought they were in the right in respect to some fight that they were having with their employers.

Mr. HOFFMAN. Did you not on the 30th of March 1937 stand on the floor for 20 minutes or more arguing that the sit-down strike was legal?

Mr. COFFEE of Washington. Yes.

Mr. HOFFMAN. You did not?

Mr. COFFEE of Washington. No.

Mr. HOFFMAN. All right. I call the attention of the House to the Record on pages 2924 to 2929, inclusive, and I ask you, then, to form your own opinion whether I am, as the gentleman said, a liar or whether he knows what he is talking about.

Mr. COFFEE of Washington. Now, just a minute.

Mr. HOFFMAN. You have answered my question.

Mr. COFFEE of Washington. I did put in a statement, and I believe it was 5 or 6 minutes, and I extended it probably to a point where it would have taken up 20 minutes' time.

Mr. HOFFMAN. It is in the Record—in the body of the Record—and not in the Appendix.

Mr. COFFEE of Washington. Yes. I still stand by it.

Mr. HOFFMAN. Sure. You still say that the sit-down strike is legal, do you?

Mr. COFFEE of Washington. From a legal standpoint; yes.

Mr. HOFFMAN. You still say the sit-down strike is legal, do you?

Mr. COFFEE of Washington. It is my opinion.

Mr. HOFFMAN. Now, there we are. Now we have the gentleman on record. He says that the sit-down strike, where men come in and drive other workers from their tasks because they will not join one particular organization is, in

his opinion, legal. He says that the sit-down strike, where they crack the heads of the fellows who will not join that particular organization, is legal.

In the Congressional Directory of the Seventy-fifth Congress, first session, January 1937, it is set forth—and these biographies are usually prepared by the Member himself—that the gentleman "graduated from the University of Washington, Seattle, Wash., with A. B. and LL. D. degrees, and from Yale University, New Haven, Conn., with J. D. degree"—a legal education which anyone might envy and which, I am sorry to say, I never was able to acquire. The gentleman is not only a bachelor of arts, a doctor of laws, but he has the degree of doctor of jurisprudence.

Mr. COFFEE of Washington. Now, just a moment.

Mr. HOFFMAN. What do you think of it?

Mr. COFFEE of Washington. In view of the fact that you have brought my name into this so repeatedly, will you yield?

Mr. HOFFMAN. I will.

Mr. COFFEE of Washington. I will say to the gentleman that the faculties of 12 different law schools assisted me in preparing the brief which was put into the Record.

Mr. HOFFMAN. I thought it was the gentleman's speech. I am glad to know he had a corps of ghost writers.

Mr. COFFEE of Washington. I say they assisted me in preparing a purely legal brief and not an argument justifying the sit-down strike as a fact. It was justifying it from a legal standpoint solely. That is the reason it was put into the Record.

Mr. HOFFMAN. Well, it is certainly interesting to learn that there are that many professors in universities who have so little common sense and so little common decency as to argue that one group of men can go in and take possession of somebody else's private property and retain possession, destroy it, drive men from their jobs, and keep them from their jobs, and argue that that sort of a proceeding is legal. I would like to have the gentleman put their names in the Record.

If this be the result of our university training, then we had better get rid of some of our universities and go "to the sticks" and on the farms for our education and get a little bit of common sense and good judgment once more.

Let these professors get out in the wide, open spaces; let them cut a few trees, saw them into logs, into stovewood lengths, and then split those chunks. Let them get out on a farm and follow a plow or a drag in the dirt and dust. In the fall or springtime, let them get out on the fields and spread a few loads of fertilizer. Let them get a few callouses on their hands and get the kinks out of the wheels in their heads. Let the free, pure air of the country sweep away the cobwebs from their muddled thinking, and they will know what everyone else knew from the beginning—that a sit-down strike was illegal.

Without going into a review of the gentleman's activities on the floor of the House, the attention of the House is called to pages 2924 to 2929, inclusive, of the CONGRESSIONAL RECORD, volume 81, part 3, of the Seventy-fifth Congress, from which it appears that, speaking on a resolution introduced by the gentleman from Texas [Mr. DRES] to investigate the sit-down strikes and to a bill which had been introduced to make a sit-down strike a violation of the Federal antitrust law, he said:

The resolution, the bill, and the remarks were predicated upon a single premise, that sit-down strikes are illegal. Mr. Chairman, I rise to challenge that premise.

The gentleman then further said:

Mr. Chairman, I base my contention that the sit-down strike is legal on three fundamental principles which are recognized by our court decisions and statutes as the law of the land:

First. The sit-down strikers are invited onto the premises of the company as employees, they remain employees during the course of the dispute, and they can in no way be considered trespassers.

Second. Employees have a property right in their jobs which the law entitles them to protect by appropriate means.

Third. The action of the sit-down strikers is justified under the law as is any other collective action by employees to better their conditions.

The gentleman then proceeded on the floor of the House to make an argument which covers almost five pages of the CONGRESSIONAL RECORD in an effort to prove his assertion that sit-down strikes were not illegal.

The gentleman knew, or he had reason to know, that sit-down strikers had seized and retained possession of factories in the State of Michigan. He knew that the Constitution of the United States guaranteed to a man, to a company, and to every other individual, natural or artificial, the peaceful possession of his own property. He knew that that constitutional right was being denied to the stockholders of the automobile plants of Michigan. Yet he defended the denial of that right.

He knew, or at least he had information which would lead every reasonable man to believe, that hundreds of working men and women in Michigan had been driven from their jobs and were prevented by violence from working at the jobs which were rightfully theirs and which enabled them to provide food, clothing, and shelter for themselves and their dependents. He knew that that conduct was in violation of the citizen's right to liberty and to hold and to enjoy property, for the right to work is property. Yet he stood on the floor of this House and denied that the deprivation of such rights was a denial of our constitutional guaranties.

He knew, or he had every reason to believe, that personal property was being destroyed by strikers; that working men and women who wanted to work were being assaulted and beaten by strikers. He knew that the right to enter private property and to cross public property for the purpose of going to jobs which were rightfully theirs was denied to citizens of Michigan. He knew that such acts were illegal, were unlawful, were a refusal to permit American citizens to exercise their constitutional rights. Yet he stood on the floor of this House and defended the conduct which deprived American citizens of the rights just enumerated and guaranteed by our Federal Constitution.

He knew that those acts were unfair; that they were unjust, and, if he knew anything about the principles of the common law or the wording of our statutes, he knew, or as a graduate of the University of Washington and the holder of the degree of doctor of laws, he should have known, that such conduct on the part of the sit-down strikers was not only a violation of every principle of common law, of every rule of conduct laid down in the Constitution of the Federal Government, but was oppressive and tyrannical. And yet he stood here where I am standing now and defended that kind of conduct.

Wednesday the gentleman said:

Government employees, similar to all other citizens of this Republic, have the indubitable and inalienable right to join organizations of their own choosing.

Yet when those sit-down strikes were on, the gentleman spoke in defense of the activities of the C. I. O., which denied to individuals the right to join an organization other than the C. I. O.

The gentleman further said—RECORD of October 25, 1939, page 879:

They have the right to hold and to express their own opinions on all subjects without submitting those opinions to any individual or Government body for approval. Government employees, no less than workers in private industry, must be permitted to exercise these constitutional American rights without coercion from any source or fear of losing their jobs as a consequence of such exercise.

But on the floor of this House the gentleman has defended the C. I. O., which denies to a worker the right to earn a livelihood unless he joins its organization. On the floor of this House he has defended the National Labor Relations Board, which has twice convicted Henry Ford of an unfair labor practice because he told the employees of the Ford Motor Co. and those who sought jobs there that they did not need to pay any organization for the right to work in the Ford Motor Co. plants.

Day before yesterday he criticized the Dies committee because it published the names of those who are members of the American League for Peace and Democracy.

Twice on the 27th day of April 1937, as shown on pages 3881 and 3889 of volume 81, part 4, of the proceedings of the Seventy-fifth Congress, the gentleman from Washington voted in favor of giving to the public the names, not of public officials, not of officers or employees of the Federal Government, but of private individuals who had a net income over and above a certain amount.

Wednesday he objected to the publication of the names of those who belong to an organization which is controlled by an organization which advocates the overthrow of our Government by force.

Did the gentleman ever arise on the floor of this House and condemn the illegal seizure of private papers by the Hugo Black committee? Did the gentleman ever find fault with the seizure of private papers by the La Follette so-called Senate Civil Liberties Committee? Has he ever at any time objected to illegal search and seizure, to the denial of free speech or a free press when the interests of the Communists or the Communist Party was not involved?

Enough along that line. Let us turn now to the statements made by the gentleman on the floor and see just how much reliance we should place upon his statements.

The gentleman just a moment ago said that I was a liar. I do not care to dignify the charge by a denial. The Members of the House are well able to determine, each for himself, the degree of reliance which they will place upon the statements made by each Member of the House. No doubt the gentleman from Washington [Mr. COFFEE] spoke rather hastily. It is my recollection that the 11th verse of the One Hundred and Sixteenth Psalm reads something like this:

I said in my haste, All men are liars.

But for the sake of determining the accuracy of the statements of the gentleman from Washington [Mr. COFFEE] let me refer to the printed RECORD of the gentleman's speech which he made on the floor of the House day before yesterday. And this I do without thought of criticism but solely for the purpose of getting before the House the facts.

The gentleman from Washington said—RECORD, page 880—that the president of the local branch of the American League for Peace and Democracy and the national president of that organization told the chairman of the committee that the league would be glad to surrender any documents requested, and yet immediately thereafter he said, referring to the committee:

They went down there, without any time, and seized those documents, which you know as a lawyer they had no right to seize.

If the officials of the league consented to the surrender of their papers, as the gentleman himself says they did, and the gentleman from Alabama [Mr. STARNES] on the same occasion asserted that the papers were only brought before the committee "after full knowledge and consent of the league itself, and with written letters of consent on file in our records," just what foundation is there for the charge of the gentleman from Washington [Mr. COFFEE] that representatives of the committee seized documents which they had no right to seize?

Likewise, on Wednesday, RECORD, page 881, the gentleman from Washington said:

Let me point out to the gentleman from Alabama that his committee accepted testimony to the effect that John L. Lewis was, for practical purposes, a Communist.

And that immediately thereafter the gentleman from Alabama [Mr. STARNES] arose and said—RECORD, page 881:

Let me say to the gentleman most emphatically that not one single witness who appeared before that committee ever testified that John Lewis is a Communist; not one from the beginning to this very moment has made that statement.

The records of the committee will show which of these gentlemen is correct. For myself, in view of the inconsistencies in the conduct of the gentleman from Washington and in view of his previous inaccurate statement, I prefer to accept the statement of the gentleman from Alabama.

Again, the gentleman from Washington [Mr. COFFEE] charged in substance, by innuendo, that the committee was

unfair, in that it did not call as witnesses those against whom charges had been made. Again, the gentleman from Alabama [Mr. STARNES] answered him. He said—RECORD, page 881:

Let me give the gentleman the facts. The committee addressed a letter to John L. Lewis giving him the privilege of appearing to deny any statement made by any witness with reference to the existence of communism in any part of his organization or movement, but he has not dignified the invitation with a reply.

Let me say further to the gentleman that any man whose name is mentioned in connection with this investigation who is charged with being in collusion with the Communists or any other un-American movement in this country will be extended every opportunity to appear there and deny under oath that testimony.

Let us come now to the merits of this controversy. On Wednesday the gentleman said—RECORD, page 882:

What is the purpose of the chairman in giving out that list to the newspapers?

He answered his own question in this manner:

It appears to be obviously for the purpose of intimidating Government employees. It states in effect that we, a congressional committee, want you people to know you are jeopardizing your jobs. We know who you are, and we will get you when the time comes and when the hour seems propitious and appropriate. That is the effect of the published membership list on the Government employees affected.

He had previously said that the publication of the list could have but one purpose—RECORD, page 878:

That is to intimidate the members, threatening that the penalty of refusing to resign may be loss of their jobs.

Let us analyze the situation. January 3, 1939, the Dies committee filed a report which was signed by every member of the committee, including the gentleman from New Mexico [Mr. DEMPSEY] and the gentleman from Massachusetts [Mr. HEALEY]. On page 69 of the report I find this statement:

The largest of the Communist "front" movements in the United States is the American League for Peace and Democracy, formerly known as the American League Against War and Fascism, and, at the time of its inception, as the United States Congress Against War.

Over on the next page I find the statement:

Internationalistic Communist organizers, such as Henri Barbusse and Tom Mann, were permitted by the United States Department of Labor to come from abroad to assist in launching this movement.

A little lower down I find:

Members of the league have been pledged to resist military training, to demand "total and universal disarmament," as proposed by the Soviet Union.

At the Pittsburgh convention of this movement in November 1937, its name was changed from the American League Against War and Fascism to the American League for Peace and Democracy. This organization is the American section of the World Committee Against War and Fascism (now the World Committee for Peace and Democracy).

The substance of this report—pages 69 to 71, inclusive—and of the testimony before the committee is that the league was founded by Communists, that it receives a contribution of something like \$2,500 per year from the Communist Party.

If, on January 3, 1939, it was the unanimous opinion of this committee, the members of which then were MARTIN DIES, JOE STARNES, JOHN J. DEMPSEY, HAROLD G. MOSIER, ARTHUR D. HEALEY, N. M. MASON, and J. PARNELL THOMAS, that the American League for Peace and Democracy had been founded by, and its activities were in a measure at least controlled by, Communists, why now criticize any member of that committee for the publication of the names of those who belong to the organization?

Taken apparently from a Communist Party organization, in this report appears this statement—page 71:

It is significant that the Communist Party, more than any other labor group, has been able to achieve successfully united fronts with church groups. This is not due to any compromise with religion as such on our part. In fact, by going among religious masses we are for the first time able to bring our antireligious ideas to them.

Wednesday on the floor of this House the gentleman from California [Mr. VOORHIS], who is so earnest and who is so industrious and who we are all sure is sincere, made the statement—RECORD, page 883:

LXXXV—66

I said, I believe that I was personally compelled to the conclusion, on the basis of evidence that had been presented to me and the committee, that this organization was substantially dominated by the Communist Party.

After hearing witnesses, who testified under oath, and presumably after consideration of that testimony and deliberation thereon, a committee of the House made a unanimous report and that report contains this sentence:

The largest of the Communist "front" movements in the United States is the American League for Peace and Democracy, formerly known as the American League Against War and Fascism, and, at the time of its inception, as the United States Congress Against War.

We have the statement of the gentleman from California [Mr. VOORHIS], who is known to every Member of this House as a liberal; who, from the time he became a Member down to the present time, has spoken always against conservatism, against reactionism; who has given all too generously of his strength and his time to the so-called New Deal; who here day before yesterday, speaking, as he always speaks, on his responsibility as a Member of the House, solemnly declared, when the issue was squarely presented, that he was compelled—note that word "compelled"—"to the conclusion, on the basis of evidence that had been presented" to him and to the committee, "that this organization was substantially dominated by the Communist Party."

So it may be accepted as a fact that the American League for Peace and Democracy is but a tool of the Communist Party. There is no longer in America any doubt about the purpose or the objective of the Communist Party. That party is antireligious.

From 1865 down to the present moment, with but a short exception, on our coins this Nation has carried the motto, "In God we trust." Today the Communist Party proclaims religion to be a fraud, denies the existence of a God. Today, as from the beginning of its activities, the Communist Party advocates the overthrow of our Government by force.

Today, here in Washington, we have an organization, which the proof shows is substantially dominated by the Communists, who, in turn, if they had the power, would overthrow the Government which permits their existence.

No one advocates the publishing of the name of someone who does not belong to that organization. We all know, however, how mistakes can be made. I agree with the gentleman from New Mexico [Mr. DEMPSEY] that it is a grievous wrong to the woman. It is a grievous wrong when the gentleman rises and says that I am a liar, but I am passing it off on the theory that his judgment is wrong, that he does not know what he is talking about and his statement is so absurd, in view of the facts, that no one will believe it.

Mr. DEMPSEY. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. DEMPSEY. I am sure the gentleman from Michigan would not be a party to publishing names that might assassinate character until the names had been investigated and it had been determined that the persons named were members of the organization they were accused of being members of.

Mr. HOFFMAN. I agree with the gentleman absolutely.

Mr. DEMPSEY. That is exactly what I asked be done, and what they refused to do.

Mr. HOFFMAN. But we have on the other hand the statement of the gentleman from California [Mr. VOORHIS] yesterday. Now, he may be in error, but because a man makes a statement that is not true does not mean he is a liar. I have always been taught and I believe that a lie is something deliberately misrepresented. The other is a mistaken representation of fact. We all know that, we all know how such statements are made in argument. One or the other may be wrong, but it does not follow that the one who is wrong is a liar; he is just mistaken, that is all. That happens every day.

I agree with the gentleman from New Mexico that the list should have been checked and rechecked time and time again, but then when it was discovered that they were members I see no reason—and I ask the gentleman if he

sees any reason—why the names of the members of this organization should not be published?

Mr. DEMPSEY. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. DEMPSEY. When the names were obtained the record did not show the positions they held in the Government service. The Dies committee took it upon itself to determine what positions they held. In one instance there was a lady by the name of Lamberton on the list. It turned out that there was a lady named Lamberton teaching in the Eliot Junior High School. The publication of this name caused her much distress, yet she did not even know of the existence of such an organization as the American League for Peace and Democracy. That is what I think is wrong about this thing.

Mr. HOFFMAN. If that be true, and I do not doubt it, it shows the necessity of checking. The name should not have been published if she was not a member. But such mistakes will occur and many times the innocent suffer for the acts of the guilty. If it develops upon investigation that this woman was not a member of the league, and that is a fact that can be easily ascertained, I am sure the committee will be the first to publicly acknowledge that act; to tell how the error occurred and to offer a public apology to her.

Should not the woman be satisfied with the public explanation as to how the error occurred and a statement from the committee showing that it was an inadvertence which the members of the committee regret?

That committee is doing a wonderful job. It has a difficult task. It has been bitterly opposed and there is no reason why it should be damned because, being human, it now and then makes an error.

Mr. DEMPSEY. More than that, she has been broadcast throughout this Nation as a member of such organization. This is assassination of character, something that cannot be rebuilt.

Mr. HOFFMAN. That is one of the vicious things that goes with free speech.

Hundreds of thousands of American citizens have been vilified because we cling to the doctrine of free speech and a free press, and while that fact is no reason for character assassination, as long as we trust to the human faculties, as we must, errors will be made and the woman should not think that she is the only one who has been done a wrong.

Perhaps she attaches undue importance to the incident. It may be true as well that enemies of the committee are using the incident to destroy confidence in the committee, and I am not intimating that the gentleman from New Mexico has that thought in mind, for I have not the slightest doubt but that he is loyal to the committee of which he is a member.

Mr. DEMPSEY. Let me say to the gentleman from Michigan, whom I have found to be fair about things always, that what I asked them to do was to take sufficient time to determine whether the list was proper or improper before they published it, and they refused to do it.

Mr. MASON. Mr. Speaker, will the gentleman yield to me?

Mr. HOFFMAN. I yield.

Mr. MASON. The request to take sufficient time to check the list before it was published came after the committee had voted to make the list public. If someone has been hurt, and I have no doubt but what there is, the list as published was the membership list as kept in the office of the local chapter of the American League for Peace and Democracy, and that list only. If there were mistakes of names being on the list that were not members, it was not the mistake of the Dies committee, it was the mistake of the records and the local chapter of that league. Please, therefore, do not blame the Dies committee if there were names on that list that should not have been on it.

Mr. DEMPSEY. Mr. Speaker, will the gentleman yield for a brief question?

Mr. HOFFMAN. I yield.

Mr. DEMPSEY. I would like to correct the gentleman from Illinois.

Mr. HOFFMAN. And the gentleman does not accuse him of being a liar either, does he?

Mr. DEMPSEY. I do not.

Mr. HOFFMAN. And the gentleman from Illinois [Mr. MASON] does not claim that the gentleman from New Mexico is one?

Mr. MASON. It was voted to publish the list.

Mr. HOFFMAN. A possible explanation of the whole incident, one which is consistent with the position taken by the gentleman from New Mexico [Mr. DEMPSEY] and the gentleman from Illinois [Mr. MASON], is this: That the list furnished by the local chapter of the American League for Peace and Democracy had on it the name "Mrs. Lamberton"; that in attempting to check this name against a list of Federal employees or employees residing in the city of Washington, the name of a Mrs. Lamberton was found and her profession was given as a teacher in this high school, and some employee of the committee reached the conclusion that the Mrs. Lamberton teaching school was the same Mrs. Lamberton whose name appeared on the league's list.

Let us say that it is a case of mistaken identity; that it was an error on the part of an employee of the committee. Let the committee so state, if that be the fact, and let Mrs. Lamberton and her friends forget it. Any other course but tends to ruffle the tempers of all connected with the incident and to give aid and satisfaction to those who oppose the committee's efforts to expose subversive activities.

Mr. DEMPSEY. The following morning I talked with the chairman, the gentleman from Texas. The list had not been as yet published, and I told him he was in error. I asked that we have an executive session so that I might give him the information which I had. The meeting was called for 10:30. I received a long-distance call about 10:25, and reached the committee room at 10:33, 3 minutes after the committee went into session. Notwithstanding that our colleague from California [Mr. VOORHIS] called attention to the fact I wished to be heard, the gentleman from Illinois said, "We have waited until 10:30, and I move that the chairman carry out the instructions." Three minutes later, if you please. That is the courtesy extended to a member of the Dies committee who has something which he thinks is important; namely, the saving of innocent people from being attacked by a committee of this Congress.

Mr. MASON. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Illinois.

Mr. MASON. I want to make this statement: The gentleman from New Mexico came to the committee meeting at 10:40, 10 minutes late, and after all this had been transacted.

Mr. DEMPSEY. Did the gentleman from California [Mr. VOORHIS] ask you to wait?

Mr. MASON. Yes; he asked that we wait, and we refused to wait.

Mr. DEMPSEY. That is exactly the point I am making.

Mr. HOFFMAN. Getting back to the question I asked the gentleman from New Mexico, if these people are members of this league, does the gentleman see any objection to publishing their names; and if so, why?

Mr. DEMPSEY. If they are members of the league, and have knowledge that it is a Communist front organization, certainly not. If they are members and are innocent of that fact—and I did not know until I became a member of the Dies committee—then I see an objection.

Mr. HOFFMAN. I agree with the gentleman. I am offering a bill today which reads as follows:

A bill to prevent the payment of Federal funds to any person who advocates, or who is engaged in, or who is a member of any organization which advocates, or is a member of any organization which is affiliated with any organization which advocates, the overthrow of the Government of the United States by force, or which is controlled in whole or in part by any foreign government or any agency of any foreign government

Be it enacted, etc., That no part of any appropriation which has been heretofore made, or which shall hereafter be made, shall be used to pay any part of the compensation or the expenses of any officer or employee of the Government of the United States or of any agency the majority of the stock of which is owned by the Government of the United States, who, directly or indirectly, advocates the overthrow of the United States Government by force, or

who knowingly joins, or who remains for a period of 20 days a member of, any organization which advocates the overthrow of the United States Government by force, or who remains for a period of 20 days a member of any organization which is founded by or whose activities are controlled by any individual or any organization which advocates the overthrow of the United States Government by force, after he has knowledge, or has reasonable cause to believe, that such organization of which he is about to become a member, or of which he is a member, either advocates the overthrow of the United States Government by force or is affiliated with another organization which advocates the overthrow of the United States Government by force; or who becomes, or continues to be for a period of 20 days, a member of such an organization whose activities are directed or controlled, directly or indirectly, in whole or in part, by any foreign government or the agency of any foreign government; or who becomes, or continues to be for a period of 20 days, a member of an organization which was founded by, or whose activities are controlled or directed in whole or in part by, an organization whose activities are controlled in whole or in part by any foreign government, after he has knowledge or reasonable grounds to believe that such foreign government controls in whole or in part the organization of which he is about to become, or of which he is, a member, or controls in whole or in part the organization which controls in whole or in part the organization of which he is about to become or is a member.

Mr. HOOK. Who is going to be the judge? You?

Mr. HOFFMAN. I would not presume to do that, and, on the other hand, I would not leave it to the gentleman from northern Michigan either. I would let the courts decide. I would let good, common sense decide that.

Mr. HOOK. Will the gentleman yield?

Mr. HOFFMAN. Not unless I can get more time. I want to make another point.

Mr. HOOK. Just for a question.

Mr. HOFFMAN. Yes.

Mr. HOOK. Does not the gentleman think it is about time that even Members of Congress restrain themselves as purveyors of false information?

Mr. HOFFMAN. I do not know of any Member of the present Congress who ever knowingly was a purveyor of false information. I have found my colleagues to be honest, to be conscientious, and I regret that the gentleman should charge that any Member of Congress has been guilty of giving out false information. In my judgment, the charge is hastily made. Have you ever felt that restraint yourself?

Mr. HOOK. Yes; I have.

Mr. HOFFMAN. Why do you not practice it then?

Mr. HOOK. When I hear you, I think of it right along.

Mr. HOFFMAN. You know, when a man does not have a good argument he calls a name—a childish device. The gentleman cannot cite a single instance where I ever knowingly gave out false information and I do not believe that he can cite a single instance where any Member of this Congress ever knowingly gave out false information.

I have not the slightest doubt but that, if the gentleman ever heard a political opponent making a false statement, he would forthwith challenge him on the floor of the House, but so far, he has not successfully done so.

To resort to the calling of names is a confession that consecutive, constructive thinking has ceased and that the one using that method has come to the end of his argument.

Let us get back to the proposition which was being discussed.

The American League for Peace and Democracy which, it has been shown, is a tool of the Communist Party, has among its members Federal employees, who, because of their position in the Government service, have an influence wholly out of proportion to that which they would have as private citizens.

The gentleman from Washington said that the purpose of the publication of this list of names was to serve notice that the members of this organization were jeopardizing their jobs by continuing as members.

I will go one step further. In fact, I have today introduced a bill which would prohibit the expenditure of Federal funds for the payment of compensation to any employee or officer of the Federal Government who belongs to an organization which teaches, or who belongs to an organization which is affiliated with and controlled by any organization which teaches, the overthrow of our Government by force.

This position is not a denial of any constitutional right or privilege. It is not a denial of the right of free speech or of a free press. It is not a denial of religious freedom. It is just plain, ordinary common sense applied to the doctrine of self-preservation.

Here we have a Government which we love, cherish, and on which our hopes for our own economic, political, and religious freedom are founded. Here we have an organization, the Communist Party, which advocates and teaches openly the overthrow of this Government of ours by force. Here we have the American League for Peace and Democracy which was founded by, and is being used by, this organization which teaches the overthrow of our Government by force. Here we have in Government service a group of people, some of them high in official position, who belong to that organization which is being used by the Communists who advocate the overthrow of our Government by force.

It is not only foolish, but it is unpatriotic to permit those who belong to such an organization to remain on the public pay roll. Why should we tax our citizens for the support of our Government and then use a portion of that fund to pay compensation to our Federal employees who belong to an organization which is being used by the Communist Party in its drive to overthrow the very Government which gives them the bread and the meat that they eat, the clothes which they wear, and the shelter which protects them from the weather?

Even the ignorant Hottentot, the Bushman of South Africa, has sense enough to throw out of his village those who would destroy it. We, with our boasted civilization, with all of our education, are so dumb that we lack either the ability to understand the activities of these traitors to our country, or we lack the courage to incur their ill will.

As one who believes in American institutions; as one who believes in loyalty to the Government which enables me to live and enjoy political and religious freedom, I ask for the expulsion from Government service of all of those, be they of low or high degree, who by their membership in this or any other organization, or by their approval, join hands with the traitors to our Government who would overthrow it by force. [Applause.]

[Here the gavel fell.]

The SPEAKER pro tempore. Under a special order heretofore entered, the gentleman from Illinois [Mr. DIRKSEN] is recognized for 30 minutes.

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent that my time be extended 15 minutes.

Mr. GILCHRIST. Reserving the right to object, Mr. Speaker, and I shall not object, I call the attention of the gentleman to the fact that there are at least 10 more special orders for this afternoon. I have not asked for one moment of time up until today. We will have to run until after 6 o'clock today. I shall not object to this request; but if anyone hereafter asks for additional time, I shall be compelled to object.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HOUSTON. Mr. Speaker, will the gentleman yield for a unanimous-consent request?

Mr. DIRKSEN. I yield, Mr. Speaker.

EXTENSION OF REMARKS

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a brief editorial appearing in the Washington Post this morning.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the Chicago Daily News entitled "Red Milkmen," which I think will be very interesting.

Mr. COX. Reserving the right to object, Mr. Speaker, I wonder if the gentleman will broaden his request to include

the membership list of the so-called League for Peace and Democracy, about which so much has been said.

Mr. GEYER of California. I certainly will not.

Mr. DEMPSEY. Reserving the right to object, Mr. Speaker, does the gentleman from Georgia want to go into the RECORD the names of those who are not members of this league?

Mr. COX. Mr. Speaker, if the statement issued by the gentleman's committee means anything, it means that the present members of that committee were advised of the communistic activities of the league more than 12 months ago.

Mr. GIFFORD. Reserving the right to object, Mr. Speaker, may I make this observation. Why not have this list printed? The remedy is simple. Those on the list can explain whether or not they ought to be on it. Their character is not assassinated, except for a moment. The remedy is simple.

Mr. GEYER of California. I certainly will not.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. DIRKSEN], is recognized for 45 minutes.

NEUTRALITY

Mr. DIRKSEN. Mr. Speaker, never in my lifetime have I felt so humble or so inadequate to the task of analyzing my own convictions as I do now in approaching the problems of setting a course of international policy in our country. In this hour of anxiety, with problems at home and abroad, one can appreciate the dismay of Wordsworth, who on taking stock of England's problems several generations ago exclaimed, "Milton! Thou shouldst be living at this hour." We too in our search for light and guidance might well hark back to the Father of his Country and say, "Washington! Thou shouldst be living at this hour."

But it is our problem. It is the problem of this generation. We are invested with authority by the American people and we must find the solution.

I address myself to the membership today, not in a spirit of empirical wisdom but in a spirit of inquiry. The bill now pending before the Senate has been not yet molded to final form. In completed form, its effect and purport may be materially modified before it reaches this body. Until then, final judgment must be withheld as befits a conscientious legislator.

It is to be presumed, however, from all available observation and conjecture that the arms embargo will have been deleted from existing law when the bill reaches us, and to that subject I would address my remarks.

I live in a town of 18,000 people. It has 1 newspaper. The editor and publisher is one of the keenest, ablest, and most human newspapermen in America. He has a sense of human values and maintains the common touch.

On the front page Editor McNaughton carries a daily column in bold-face type. In his column of October 3, 1939, he carried this story. While riding on a train on Friday, September 29, a man whom he had never seen before said to him:

If EVERETT DIRKSEN votes on Hitler's and Stalin's side when the embargo vote comes up, he ought to be driven from public life. DIRKSEN may have a lot of letters asking him to vote against changing the embargo, but nobody in all the world is wanting him to vote that way as badly as Hitler; and if he does vote with Hitler, we red-blooded Americans ought to cut off his political life right there.

The following afternoon Editor McNaughton was standing in front of his newspaper plant when a good friend of his came by and said:

If EVERETT DIRKSEN votes to lift that embargo—why, why, I've voted for EVERETT ever since he began running for anything, but if he votes to lift that embargo I'll get out in person and I'll beat him the next time he runs if it's the last thing I do on earth.

My colleagues, those two examples illustrate the cleavage in public thinking today. Most of you are experiencing the same phenomenon. Measured in terms of political repercussions in the future, it may be a bit disconcerting. Be of good cheer.

When Abraham Lincoln left Springfield, Ill., on February 11, 1861, in an hour of crisis to assume the direction of this Government, his fellow citizens presented him with a silken banner on which was embroidered the ninth verse of the first chapter of Joshua. It reads:

Have I not commanded thee? Be strong and of good courage; be not afraid, neither be thou dismayed; for the Lord thy God is with thee, whithersoever thou goest.

In a way, it is a bit tragic. As if political threats and threatened reprisals will solve the problem before us.

This sentiment has its compensations. It stimulates thinking. It develops resolution in an hour when resolution and clear thinking is needed. It finally dissolves all fear and renews all faith. Only one thing is of importance. The present and future welfare of this country—your country, my country—must be the sole consideration for the votes we cast. With whatever of purpose and of light has been given me, I am ready to resolve the issue.

With all the earnestness of my soul I have sought truth and light by which to resolve the question which comes before us. Like you, I have examined the mail and given ear to the prayerful and fervent appeals of fathers and mothers and young men, in many of whom there lingers a vivid recollection of the last war. I have talked with my comrades, the veterans of the last war, and with those young men who will be veterans of the next war if ever we should again be embroiled in conflict. I have talked with fathers and mothers. I have talked with businessmen and farmers. I have talked with men who worked in mines and mills and with men who are on relief. For days I sat in the Senate Chamber and followed the debates. I have examined the polls of public opinion. I have diligently followed the expositions of Walter Lippmann and Dorothy Thompson, of Hugh Johnson and Ernest Lindley, of Raymond Clapper and David Lawrence, of Mark Sullivan and Charles Ross. I have listened to addresses over the air and from the pulpit. I have examined the resolution addressed to us by groups and organizations devoted to the retention of the arms embargo. I have examined the resolutions addressed to us by groups and organizations who believe that the Neutrality Act should be revised and the arms embargo lifted. I have tried to discriminate between that which might be properly regarded as propaganda and that which was uninspired from propaganda sources. I have tried to think of the problem before us as an American problem. If the vote which I shall record upon this measure proves to be wrong as measured by the turn of events and the judgment of history, it will be a mistake of the head and not of the heart. Standing at my shoulder as I vote will be the composite embodiment of more than 30,000 young men in my congressional district between the ages of 21 and 35 reminding me that if war comes they will be the first to go. Beating on my consciousness will be the fact that all the eloquence and all the printer's ink cannot be expiation for the blood of a single American youth. I do not want another Unknown Soldier for an unknown reason.

First let me set forth my position in the past. On March 18, 1937, I was one of 12 Members of this House who voted against the Neutrality Act of 1937. The vote was 376 to 12. Probably I so voted for reasons far different from the remaining 11. The bill did not go far enough to suit me. Thinking of the last war and of the next war, the words of Secretary Lansing kept ringing in my ears. I thought of all the hideousness of his question when he asked:

Can we afford to let a declaration of our conception of the true spirit of neutrality, made in the first days of the war, stand in the way of our national interest, which seems to be seriously threatened?

This was Secretary Lansing speaking—the same Lansing who stood in the forefront and watched millions of young men march to the wars. I kept thinking of the ghastly sentiment of one Walter Hines Page, our Ambassador to Great Britain, as he observed in one of his messages to the State Department:

Perhaps our going to war is the only way in which our preeminent trade position can be maintained and a panic averted.

I have heard Walter Hines Page defended on the floor of this House. But defense or no defense, not one Member of this Congress would care to be remembered to the generations in the stream of our national life as having proposed that the structure of a preeminent trade should be supported on a foundation of young blood. I kept thinking of that old seadog, Admiral Sims, who commanded our fleet during the World War; that same Admiral Sims who said:

We cannot keep out of war and at the same time enforce the freedom of the seas; that is, freedom to make profits out of countries in a death struggle.

Here was a Secretary of State to whom there was no sanctity about a conception of true neutrality. Here was an Ambassador to whom a panic of things and dollars was of more concern than the ebbing blood of virile, laughing young men. Here was a great admiral, who appreciated the fitness of things and who learned that nations, like men, cannot eat and have their cake. These things, creeping from the musty pages of history, so clearly evidenced the fallibility and grotesqueness of human judgment in an hour of stress and turmoil, and, because of that, I thought the act of 1937 should have been more rigorous in its restrictions than it was. Mine was a protest vote, but I subscribed to the doctrine of an embargo on arms and munitions. I went further and subscribed to an embargo on arms and munitions in time of peace. How can we forever prattle of peace and continue to export the very instrumentalities which rupture peace? If there is to be consistency in our position, then we must follow the inexorable logic of Henry David Thoreau, who went to jail for nonpayment of his poll tax, because he refused to contribute to a Government which countenanced slavery. The logic of his civil disobedience is unassailable. The logic of peace requires that we contribute nothing to the recurrent destruction of peace. What other course is open if we expect to speak with a conviction that the world and all mankind will believe when we hope and yearn and pray for peace? With this conviction in my soul, I have examined the tide of debate, believing there might be safe anchorage in the position of the President and of those who stand with him in petitioning for a change in the Neutrality Act and for casting the present arms embargo overboard. I find no such anchorage.

They say that the arms embargo of itself is not important and that of itself it will not involve us in war or keep us wedded to peace. If that be true, why were we called here to repeal it? If the arms embargo is unimportant, then why not let it stand upon the statute books? If the arms embargo is unimportant, who will contend that it will involve us in war? If the arms embargo is unimportant, who will contend that it will shatter the peace we now enjoy? If the arms embargo is unimportant, why does not the President announce to the Nation and to the world that it is unimportant, and then and there pass it by as befits the agenda of a busy man?

But it is important, and it derives its importance from the very intensity of the effort that is placed behind its repeal. If it is unimportant, why all the radio speeches for its repeal? If it is unimportant, why the daily polemics of Dorothy Thompson, Walter Lippmann, and others for its repeal? If it is unimportant, why were some of the administration leaders so concerned about the possible action of the American Legion Convention in Chicago on this subject? By the very force of the drive for its repeal, they have bestowed dignity upon the issue and persuaded the American people as nothing else could have done that it is important. The argument answers itself.

They said that an arms embargo violated the tenets of international law. That argument appears in the Senate committee report which accompanied the bill. They do not say it anymore. They do not say it anymore because the statement is false. They do not say it anymore because John Bassett Moore and Dr. Borchard, Dr. Corwin of Princeton and Father Walsh of Georgetown, Dr. Healy of Georgetown and Dr. Wright of Catholic University, Dr. Hyde and Dr. Jessup of Columbia, all stand in solid array and deny it.

Father Walsh, regent of Georgetown Foreign Service School was not content to let this statement in a Senate committee report escape with a mere passing observation. He characterized it as "absolutely false." On reflection, one wonders how that statement ever found lodgment in a committee report from a committee of the United States Senate and whether it shall stand for all the world to see, as eloquent evidence of the paucity of argument in behalf of the repeal of the arms embargo.

They say we should repeal the embargo on arms and return to the tenets of international law. They say we should repeal the embargo on arms and make all munitions available to all participants to the conflict on a "come and get it" basis. Is that international law? Then John Bassett Moore's Digest on International Law is in error, for he avers that supplying war materials to either party to an armed conflict is an unneutral act. Then Woolsey is wrong, for he says that sending weapons and munitions is a departure from a neutral position. Then Kent is wrong, for he affirms this position. Even in the face of these authorities we might ask what international law is meant. That law which proved so imperfect a rod and staff in 1914? That law which depends entirely upon compliance by the nations for its efficacy? That law which comes into play only after a torpedo has found its mark and engendered a wave of hysteria and emotionalism? That law which the very pending bill seeks to modify and restrict? That law which bestows certain rights upon our citizens and ships as neutrals and which the pending bill proposes to hedge about with restrictions that are scarcely in conformity with international law? Where is the force of this argument? It is no argument. It is but a tilting observation, which when explored to the end leads to a juridical "no man's land."

They say the arms embargo is unneutral and unfair in its effect. They say it impairs the advantage of a naval power as against a land power. Has the geographical position of the parties to the present conflict changed since August 1935, when the embargo was first imposed? Was this fact not apparent to the Congress when it enacted the embargo and to the President when he signed the act in 1935? Was not the whole purpose of the act to be entirely impartial? Will anyone contend that Congress and the President were not aware of the full implications of the act when it was reaffirmed in 1937? One might with equal force argue that our reciprocal-trade agreements are unfair in effect because the concessions made to a country with whom we have the unconditional most-favored-nation relationship inure to all other countries with whom we have the relationship, whereas the benefits are withheld from those nations which do not enjoy that status. The arms embargo was adopted as insurance against war. Shall we tear up the policy now that our neighbor's house is afire?

They say we must hasten to repeal the arms embargo and quickly adopt an all-inclusive cash-and-carry policy to avert the present danger which springs from the fact that our vessels may now carry all forms of contraband other than arms and munitions. The answer is that general sentiment favors a cash-and-carry policy as applied to all materials and supplies other than munitions and that, in addition thereto, a very substantial proportion of our people favor a continuance of the embargo. What a tragedy that the thinking of the country has been confused on this point. Whether by accident or design, people have been led to believe that the issue was the arms embargo versus cash and carry when in fact it was the retention of the arms embargo plus cash and carry on all other materials as against an all-inclusive cash-and-carry plan which embraced arms, ammunition, and implements of war.

Who let cash and carry die on May 1, 1939? Where was the President? Where was the Secretary of State? Did they send messages to Congress at that time? Where was the Foreign Affairs Committee of the House when cash and carry expired? Where was the Foreign Relations Committee of the Senate? Why did they not bring in an interim resolution to bridge the gap if danger existed?

And who will deny that the international situation was definitely acute when cash and carry expired? On March 22, 38 days before cash and carry expired, Hitler seized Memel. Was that not sufficient warning of approaching danger? On April 28, 2 days before cash and carry died, Hitler addressed the German Parliament and indicated his Polish demands. He indicated further that his agreement with Marshal Pilsudski was at an end. Was that not warning of the gravity of the situation? Yet cash and carry was permitted to die. On June 8, 38 days after cash and carry expired, a British emissary went to Moscow. Already the war drums were rolling. Congress was in session. Was any effort made to revive cash and carry? Had some purpose already been formulated to scuttle the arms embargo? Was cash and carry permitted to die, so that less than 5 months later the President could with some force say to us in effect, "Hasten with a revision of the Neutrality Act. Our ships are in danger. Repeal the arms embargo and give me cash and carry that the danger might be averted."

To be sure, danger exists. But who will be persuaded that this danger to our shipping is the primary concern of those who are pressing the present bill? This danger to our ships, our sailors, our cargoes, should have been of immediate concern to the administration. But was it? Then why did those who are so eagerly pressing for the repeal of the arms embargo vote to defeat the Tobey resolution in the Senate? They were not thinking of sinking ships and lifeless sailors. They were thinking of the arms embargo and of the danger of losing their cause if they dared to divide the question.

A cash-and-carry policy could have been enacted and signed during the first week of the present extraordinary session insofar as it applied to all materials and supplies other than arms and munitions. But such was not the object. The danger to our shipping must serve as the vehicle whereby the arms embargo shall be cast overboard. And somehow one wonders why, in view of the oft-repeated assertion by those favoring repeal, that the arms embargo of itself is not important.

They say the arms embargo must be repealed because it impairs the peaceful relations of our country with foreign nations. Do they offer anything save the naked assertion in support of that argument? Has one iota of proof been offered? And how do those who advance that contention meet the bold facts that the arms embargo is in effect and we are at peace with all nations?

They say the arms embargo should be repealed because it will provide employment. What a curious argument. Let us examine the effect of the bill. It proposes to lift the embargo on arms and place the embargo on American vessels instead. "Cash and carry," they shouted. Cash for our wheat. Cash for our lard. Cash for our steel. Cash for our cotton. Let it be cash at tidewater. Let it be cash on the barrel head. The President pronounced his benediction on this magic formula. The Senate reechoed it. The newspapers reechoed it. It was printed on post cards and mailed to Members of the House and Senate. Cash and carry. Cash for our goods to be carried in foreign ships. A 90-day credit provision was inserted in the bill. It received a bad press. The public reaction was bad. It was removed from the bill. Make any concessions, but save the bill and save the repeal of the arms embargo. That appears to be the trimming spirit by which this measure must be passed. Then came the shipowners. They were filled with queries and suggestions. Surely the administration did not mean to strangle a budding merchant marine. Surely our ships would not be tied to the snubbing posts of every dock and wharf in the country to rust out in idleness if this proved to be a long war. More concessions have been made. Already the bill is being torpedoed by its sponsors. Already the Nation witnesses the relaxation of those restrictions on the transportation of goods which the people have steadily demanded as an assurance that we stay out of war. How long will it be before the rest of the restrictions are thrown to the world and we stand just where we stood in the tragic winter of 1917, which saw this Nation engulfed by the tides of war?

If the restrictions remain, what will be the net gain in employment? Who can answer that question? If it were strict cash and carry, you make a job for a steelworker in Pittsburgh and destroy a job for a sailor in New York. You make a job for a munitions worker in Johnstown or Bethlehem and disemploy a maritime worker in Norfolk. Make a job for a chemical worker in the Tennessee Valley and destroy a job for a deckhand at Wilmington. Where is the net gain in employment if the true principle of cash and carry is preserved? Has anyone undertaken to answer this question?

They say that the arms embargo created a fanciful distinction between munitions and the raw material from which munitions are made. Assuming that there were substance to that contention, shall it be met by lifting the arms embargo or by interdicting the material from which arms are made? Yet that suggestion has never been advanced by those who stand for repeal of the embargo. Such a course would provide a solution and be consonant with the logic of peace, but that solution is not wanted. But let us look at the argument in its entirety. Whence comes this distinction between munitions and raw materials? Is it of recent origin? It is not. It derives from the very international law to which the President and the advocates of repeal would have us return. The very international law which they would reinvoke makes the distinction between absolute contraband and conditional contraband—between those materials which are susceptible of exclusive military use and those materials which might be used in peace and in war. If such distinction in fact exists, it was made by the very law to which the President would have us return and to whose tenets he alluded at least a half dozen times in the course of his message to this session of the Congress.

There has been much loose talk on this floor recently about the absurdity of an embargo on arms when the unfinished or unassembled parts might be shipped. I suggest a re-reading of the President's proclamation enumerating the items which lie under embargo. It embargoes not only guns but mountings and barrels. It embargoes not only ammunition but cartridge cases and bullets. It embargoes bombs and grenades, filled and unfilled. It embargoes aircraft which is assembled, unassembled, or dismantled. It embargoes not only aircraft but propellers, hulls, wings, tail units, and engines, whether assembled or unassembled. That is a prime reason why the repeal of the embargo is sought. The instruments of death cannot be shipped. The parts cannot be shipped. The raw material must first be shipped, unloaded from the vessels, carted to factories, processed, fabricated, tested before it can spew death. The President did a complete and fulsome job in that proclamation. It was issued in 1937. He has been hoist by his own petard. Now it must be repealed.

But let us go further. In his message of September 21 the President said:

Let us be factual and recognize that a belligerent nation often needs wheat and lard and cotton for the survival of its population just as much as it needs antiaircraft guns and antisubmarine depth charges. Let those who seek to retain the embargo position be wholly consistent and seek new legislation to cut off cloth and copper and meat and wheat and a thousand other articles from all the nations at war.

That statement was made on the 21st of September. Two days later the representatives of 21 American republics gathered in the soft breezes of the city of Panama to confer. Sumner Welles, the Under Secretary of State, and his staff, was present to represent the United States. Many resolutions were adopted in which the United States concurred. One of those resolutions read as follows:

The meeting of the foreign ministers of the American republics resolves (1) to register its opposition to the placing of foodstuffs and clothing intended for civilian populations, not destined directly or indirectly for the use of a belligerent government or its armed forces, on lists of contraband; (2) to declare that they do not consider contrary to neutrality the granting of credits to belligerents for the acquisition of the merchandise mentioned in the foregoing paragraph, whenever permitted by the domestic legislation of the neutral countries.

Somehow that seems like a most curious resolution in which this Government concurred in the light of all that has been

thus far written and spoken on the many aspects of neutral policy.

On the 21st the President declares that foodstuffs and cotton are necessary to the survival of a nation at war. Two days later his own State Department concurs in a resolution at Panama to petition for the right to send foodstuffs and clothing under a dispensation whereby they will not be regarded as contraband. If this is the fact, and it is, what happens to the contention of Senator AUSTIN, Senator BURKE, and others that we repeal the embargo and supply munitions to the allied nations in order to bring the war to a speedy and successful termination. They would lift the embargo to speed up death, destruction, defeat, and ultimate peace. Our State Department joins in an effort to lift the interdiction on food and clothing as contraband that the warring nations might be sustained so that they may the longer engage in combat. Quick destruction and peace say those favoring repeal. Sustain them with food and clothing says the State Department. Is this a sample of the consistency which the President suggests to our consideration?

When all is said and done about artificial niceties between arms and other materials, there stands before us the stark, cold, and indisputable fact that the President of the United States is the author of the list that shall be regarded as arms, ammunition, and implements of war. If there be artificial distinctions, they flow from his own authorship.

They say that the embargo permits the acquisition of arms by aggressors in time of peace and denies access to arms in time of war by nations which need them for defense. One Member of the Senate made that statement on the floor of the Senate and also on the radio. He was a Member of this House on March 18, 1937, when the Neutrality Act of 1937 was before this body for consideration and passage. He was a Member of this House on that date when the motion was made to recommit the bill and return it with an amendment to make it unlawful to export arms, ammunition, and implements of war in time of peace as well as war. Then and there he had an opportunity to serve the cause of peace. Then and there he had an opportunity to prevent aggressors from securing our munitions in time of peace. But the roll call of that date indicates that he voted "Nay" on the motion. He could have aided peace by stopping the flow of arms to aggressors in 1937. He failed to do so. In 1939 he urges the repeal of the embargo because of the thing he failed to do in 1937. If he was wrong then, what reason have we to believe that he is not wrong now?

But enough of this. Enough of the sham, pretense, and camouflage which has attended the debate thus far. How much more enlightening it would have been for the people of this country if what was said at luncheon tables and whispered in the cloakrooms could have been substituted for the tenuous arguments developed on the air and in the open forums of the country. But that is past, and it is high time that we come to grips with reality as we perceive it.

I like the candor with which Senator AUSTIN, of Vermont, Senator BURKE, of Nebraska, have spoken on the subject. Their observations were stripped of all pretense. Frankly they averred that the arms embargo should be repealed that we might affirmatively aid one side in the present conflict. Freely they admitted that it might be regarded as a departure from neutrality. Candidly they confessed the hope that by affording weapons to that side where our sympathies lie the present war might speedily come to an end with victory on the side for which the vast majority were cheering. Those gentlemen have rendered real public service. They have slashed to the heart of the present controversy and capably stated the case for the repeal of the embargo. It is not a case of neutrality. It is not a case of whether under all concepts of international law and the precedents of our own State Department we do or do not have a lawful right to do so. It is not a case of stimulating employment or aiding national defense. It is not a case of returning to international law. It is not because the embargo violates international law or impairs our peaceful relations with other countries. The case for repeal consists of a policy of giving every possible aid and assistance to one side in the present

controversy without actually being embroiled in war. Can we do it successfully? That is where the issue is finally joined. Those who favor repeal of the embargo are willing to gamble with that chance. Those who oppose the repeal of the embargo are persuaded that it is the first step on the road to a baptism of blood for the youth of America.

I wish I could so blithely dismiss the importance of this embargo provision as some have done. I wish I could regard it as inconsequential. I wish that with an airy flourish I could dismiss it as something which will never drag us in or keep us out of war. I wish I could summon some of that complete and engaging finality with which some men speak as they observe that the arms embargo is a minor matter. Fortunately or unfortunately, I do not share that estimate of its unimportance. In my own mind I have sought to envision the full effect of a repeal of the arms embargo by determining what munitions will be shipped, how they will be shipped, where they are destined to be used, what the effect of the use will be, and what the final repercussion will be upon our own destiny. That analysis may be wrong or it may be right. At least there stands behind it some experience of 21 years ago. Like so many of you, I was part of the Military Establishment of the United States in 1917 and 1918 and spent 17 months overseas. Some of those experiences recur as we consider the present embargo on arms.

When the lid is lifted every conceivable type of material, supplies, and munitions may be shipped. Steel, trucks, tractors, petroleum, and all nonmunitions can be shipped without lifting the embargo. But what types of arms and implements of war will be purchased and exported? It will not be guns, howitzers, field pieces, bombs, hand grenades, or similar types of weapons. Certainly not in appreciable quantities. The huge defense loans during the last year or two in Europe have made provision for that type of material. What they are interested in is aircraft. If anyone doubts this statement, let him but examine the reports of the Munitions Control Board for the last 2 years. Purchases of aircraft, aircraft engines, and aircraft parts constitute well over 90 percent of all purchases of items in the category of munitions. When the embargo is lifted those great giant corsairs of the skies, which have been so prominently featured in the news reels, will be available for shipment. These couriers of death will then be ready to take the air, ready for the grim business of death and destruction.

All this is already anticipated in the chancelleries of Europe, if headlines mean anything. For 3 days the news dispatches have heralded the beginning of mass murder from the skies. Lifting the embargo will be a sort of touch off for the aerial offensive which has long been awaited. We will not like that thought. We will not admit. We will not subscribe to it. But to me it seems like one of those inescapable horrors if the embargo is lifted.

If the embargo is lifted, these huge shimmering American-made planes will take their place in the aerial armadas of Europe. They will be paid for on the barrel head. Our interest will have been severed. They will have been transported to Europe in foreign bottoms or under their own power—signed, sealed, and delivered. We have no further interest in them. They will be flown by foreign pilots. It will be no pleasant thought that the mechanical skill, the designing ingenuity, the engineering resources, and the abundant materials of our own country will have been combined and shipped abroad to kill, and maim, and destroy. It will stir no enthusiasm that our bombers, flown by the pilots of other lands, will rain death from the skies. Perhaps we shall hope that they may bomb only military objectives. Perhaps we shall hope that the genius of American workmanship will not be used to destroy old men, women, and children. But war is war. Inevitably it is resolved by jungle law. And we know as certain as we sit in this Chamber today that airplanes made in this country will take the lives of women and children. It is inevitable. And they will know it.

Paint them as you will, initial them as you will, camouflage them as you will, they will know when planes made in this country are approaching with a load of death. They will know it; and we shall know it.

Twenty-one years ago I spent some time in the St. Mihiel sector as part of an observation-balloon company. Some days one did duty in the balloon basket, spotting artillery fire. Some days one acted as a maneuvering officer. Some days one supervised the anti-aircraft machine guns and kept an alert eye for approaching planes. I can still hear and see the men peering intently into the sky hour after hour and announcing to the observer in the basket: "French Spads approaching from the left rear," or "De Havillands on the right" or "German Rumpler above you," or "Fokkers coming from the east." They developed uncanny faculties for identifying planes long before they were near. The sound of the engine, the style of wing, the shape of the fuselage, all combined to tell the tale. It will be no different now. They will know that the bombs which fell and destroyed life will in part have been dropped from aircraft which has been designed and built in the United States. And as they survey the destruction there will come the inevitable repercussions. Then will come what Dr. Harold Lasswell, author of *Propaganda Technique in the World War*, calls *The Mobilization of Hatred*. Then will come fuming and bitterness. Then will come rashness and the spirit of revenge. Then will come the first test for lifting the arms embargo. It is then that we shall see whether or not we can stay out of the present imbroglio in Europe. It is then that we shall see a determination of the question of whether we can ship instrumentalities of death to one side in the present war and escape with a whole skin. It is then that we shall find the answer to the plea that rises in swelling crescendo from the mothers, the fathers, the sons of America, "keep us out of war."

You say this is overdrawn and emotional. You say one should not bother in these hectic days to trace from cause to effect. Let history answer any such observation. Standing on the pinnacle of detachment, it is refreshing to go back and ascertain how human nature performed under identical circumstances. In his book entitled *"My Four Years in Germany"* Ambassador Gerard, who was the United States Ambassador to Germany in 1914, recites that the Emperor continually refused to see him because his country furnished munitions to the other side. Colonel House discloses the same thing in his *Intimate Papers* of that period. Writing to President Wilson on March 26, 1915, and commenting on feeling in Germany, he says, "This is almost wholly due to our selling munitions of war to the Allies. The bitterness of their resentment toward us for this is almost beyond belief." In a report of Ambassador Gerard to the State Department dated February 14, 1915, he quotes from an official communiqué of the German Government which read, "On our west front artillery ammunition was found which undoubtedly came from American factories." On March 11, 1915, Gerard, in reporting to the State Department, states that "Today's official account of the fighting in France issued by the General Staff and published in all newspapers states that French used an immense amount of heavy artillery ammunition of their own and American manufacture." Instances could be multiplied to indicate what the precise and ultimate effect will be when the embargo is lifted.

In his report to the State Department on June 29, 1915, Ambassador Gerard alluded to the "unfortunate impression" created by an advertisement in an American magazine regarding high-explosive shells containing acid which would cause horrible death. In his diary he states that facsimile copies of that advertisement were distributed through Germany, and that "hate grows daily."

How can it be otherwise? One side will be inflamed with hate that our planes and munitions have come to destroy. Every broken body and shattered structure will augment that hate. The other side will not only rejoice but will widely publish the fact that we are on their side. So it was in 1915, as the indisputable facts from the pages of that period will testify. Can it be otherwise in 1939? From the day of original sin in the Garden centuries ago, the passion of hate has served to determine the destiny of men and nations, and who will say that it will not again serve such a purpose?

What, then, my colleagues? With the munitions and airplane factories of our country enlisted on one side in the

present European conflict, what has the other side to lose by regarding us as a sworn enemy? As planes made in our country drop death and destruction from the skies, as old and young are inflamed against us, as hate seethes through the land even as it did 22 years ago, what will be more natural than that a grim and determined effort will be made to stop the flow of planes and munitions? Hate will ride the torpedoes as they seek to sink the cash-and-carry cargoes of munitions almost as soon as the vessels have slipped their hawsers. Hate will supersede reason, and there will be "incidents." There will be that inevitable succession of "incidents." There will be notes and explanations. There will be reports and demands. It will be intoxicating. The fever will grow. And then we shall see whether the Nation can be kept out of war.

Last night in his radio address to the New York Herald Tribune Forum, the President said:

In and out of Congress we have heard orators and commentators and others beating their breasts and proclaiming against sending the boys of American mothers to fight on the battlefields of Europe. That I do not hesitate to label one of the worst fakes in current history.

Of all persons, the President should know that it does not work that way. War is a dramatic thing in which emotion takes the leading role. Events set the stage. Munitions first deal out death. Planes first drop destruction. Then comes hate and fury. Then come events and incidents. Then comes hysteria. Then comes the smashing climax. Then we shall see whether we can stay out of it all. Twenty-two years ago we gambled with this identical question. Twenty-three of our colleagues, who were Members of this body in 1917 and who answered the roll call in the early morning of April 7, can testify whether we won or lost. Can we gamble in 1939 and stay out?

War and peace are but the products of human will. Where there is a will to war, there can be no peace. Where there is a will to peace, there can be no war. Shall we now take the first step toward impairing the will for peace by contributing the instruments of war? [Applause.]

[Here the gavel fell.]

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent that the time of the gentleman from Illinois be extended 2 minutes.

Mr. GILCHRIST. I object, Mr. Speaker. There are 10 or 12 other speakers to follow this afternoon.

Mr. LUTHER A. JOHNSON. The gentleman is making a very good speech.

Mr. GILCHRIST. There are 10 or 12 of us yet to speak this afternoon. I gave notice a few minutes ago that I would object to any further extensions of time.

The SPEAKER pro tempore. Under special order of the House heretofore made the Chair recognizes the gentleman from Wisconsin [Mr. HAWKS] for 20 minutes.

Mr. HAWKS. Mr. Speaker, perhaps there is some significance to be attached to the fact that in successive speeches two men appear who put in some time in the last World War, each delivering definite pronouncements for keeping the arms embargo. I think there is considerable significance to be attached to that. I cannot hope to compete with the most remarkable address just delivered by the gentleman from Illinois [Mr. DIRKSEN], and I shall not even try, but I do recommend, not only to every Member of the House but to the people of the country, that most sane and sound address just delivered by the gentleman from Illinois [Mr. DIRKSEN].

It is my honest conviction that cancelation of the arms-embargo feature of our neutrality law would definitely be an unneutral act. It was made a part of the law at a time when we were thinking calmly and sanely, and when we were applying reason instead of emotion.

We wanted an arms embargo because we did not want our country to traffic in those implements of war that, in a war, can and will be used against innocent people who have had nothing to say about war, and certainly who would not have war under any circumstances.

Throughout the history of this country the brotherhood of man has always been a tremendous influence, and while war is a terribly practical and absolute thing, we have always in this country been able to write into our basic law practical applications of our idealism that, in my humble opinion, should not be disturbed during these times of war, particularly when that war is 3,000 miles away.

This is Europe's war, and this war is in Europe. This war is a result of the stupidity, greed, and disregard for human rights on the part of the so-called Allied nations when they forced the Versailles Treaty on a defenseless nation. That treaty, and subsequent actions of the Allies, in no way represented the attitude of America. It was a result of the diplomacy of a group of senile old men who have never had the brotherhood-of-man ideology as a part of their teachings; and at the time it was predicted that impositions and stupid actions of that kind would only result in one thing, and that was another war.

Men like Hitler and Stalin could only rise to power because others in more responsible positions failed to exercise sound judgment and act as Christian beings toward their less fortunate neighbors. I hold no brief for any of the "isms" of Europe, but neither do I credit the leaders of the so-called democracies of Europe with any degree of common sense or human kindness.

If this discussion of neutrality by the elected representatives of the people has not been free from emotion, and if the results of our deliberations are not based upon reason, there is little hope for a permanent peace in this country. In looking back over the period between 1914 and 1917, we are convinced that the only reason we ever became involved in the last World War was because of pure emotion and the insidious workings of propaganda upon those emotions. And then, in looking at that period immediately following the war, when we in America hoped against hope that the Allies in Europe would make a peace settlement that would go far toward assuring permanent world peace, we saw the butchers of Europe, the so-called diplomats, impose territorial and economic restrictions upon a beaten people that could only result in an uprising later on.

Since 1937, without advising the citizens of the country, the administration changed its foreign policy, and the administration has not as yet informed the American people honestly of just what that policy is. In 1936 the President, campaigning for reelection, praised our neutrality law and talked about fool's gold; but in 1937 he indicated that he had chosen sides when he attempted to define and name aggressor nations.

America learned from bitter experience through the loss of over 50,000 of our young men on the battlefields of France, by the accumulation of debts that have not been paid, by being called the Shylock of the Western Hemisphere by former Allies, and by many other dishonest actions of her former friends, that any law or any rule of procedure laid down during times of peace, when reason and common sense were being applied, was a good law, a good rule, and a sound procedure for us to follow, even in time of war.

And mark you, Mr. Speaker, a great majority of the citizens of our country do not want to change the rules of the game at this time.

No one is going to win this present war, but all of the nations involved are going to lose. We want no part of it, because we do not again want to develop a "munitions" economy in this country that, first, will tend to involve us in the war, and, secondly, will lead to the complete collapse of an economic system that has elevated this country to a position of leadership in the world beyond that of any recorded in history.

Our great trouble is that we have not properly assumed that leadership. We have permitted certain nations in Europe to lead us around blindly in their game of duplicity and power politics. Until we fully realize and appreciate our real strength and what a tremendous influence we can be on the economy of the whole world, European nations will always be in trouble. We do not need our Army and our Navy to

impose our position of leadership on the world, but we do need the brains that it will take to so manage our economic life that the weaker nations of the world will be forced to follow the path of peace and a sound program for the general well-being of their people.

The star of world leadership rests over America, and has been there for a number of years. We have not seen it, and apparently we are not seeing it today.

We cannot be isolationists, nor can we be extreme internationalists, but we must in the very near future assume a leadership in the world, and by using the full force of our great economic powers, and by continuing with our Christian attitude toward all the peoples of the earth, we can certainly hasten the day when peace on earth, good will to men, will be a reality.

I do not say that by maintaining the arms embargo alone we will even approach our objective, but as a nation not involved in this present conflict we will at least tell the world that we are going to play the game by the rules laid down before the game started. [Applause.]

The SPEAKER pro tempore (Mr. LEAVY). Under special order of the House heretofore made, the Chair recognizes the gentleman from Colorado [Mr. MARTIN] for 20 minutes.

Mr. MARTIN of Colorado. Mr. Speaker, one of the charges with which Members are frequently confronted in the debates on the Neutrality Act of 1939, who now favor lifting the embargo on arms, is that they voted for the original Neutrality Act of 1935 laying the embargo, and the amendments of 1937, and are therefore inconsistent in supporting repeal.

This record, which includes myself as well as many others, has served to accentuate the question in my mind whether the passage of the Neutrality Act in the first place was not a mistake.

This question is not laid by the fact that the original act of 1935 and the amendments of 1937 were, as is so frequently stressed by supporters of the embargo, passed by overwhelming majorities in both Houses and with practically no opposition. This seeming unanimity is pointed to now as conclusive of the wisdom of Congress at those times, and yet the very fact of such unanimity and lack of real opposition may fairly raise the question of the consideration that was given by Congress to these acts. The passage of the original act was in fact typical of the peace role which has been played by the United States ever since the World War. It is really a question whether it was more than a generous gesture toward world peace, the expression of an ideal in the American mind, and the hope that it was an example to the nations of the world which they would follow.

It was of a piece with the Naval Disarmament Conference called by President Harding at Washington in 1922 as a result of which, as Will Rogers put it, "We sank our ships and England sank her blue prints." Then followed the London Naval Conference to place limitations on the size of certain types of warships and fix the famous 5-5-3 ratio of capital ships, which was renounced by Japan 2 years ago, resulting in and accelerating the greatest naval rearmaments program in the history of the world. So there is nothing new in the American peace idealism of 1935. And there is nothing new in the fact that the United States possesses a Neutrality Act which has been copied by no other nation.

And if the act were not now on the statutes, would we now place it there? And would we have placed it there in 1935 if confronted with the conditions now existing in Europe and Asia? The more these questions resolve themselves in my mind the more I am driven to the conclusion that, however praiseworthy its objective, it was a mistake for the United States to tie its own hands in the face of the unforeseeable and unpredictable events of the future. We dealt with a theory then; we are faced with a condition now.

I can say for myself, and I know others could say the same, that my support of those acts was not bottomed on any great amount of confidence in their wisdom or efficacy, either to keep this country out of war or to show the way to other countries, but was rather as an assent to popular demand.

Apparently, if the United States wants to dismantle its Navy or bottle up its merchant marine or prohibit the sale and transportation of arms, or anything else, to warring nations, it will have no competition. Not one nation in the world. I have never read of one that is even considering such legislation as that now before Congress. As Mark Twain said, "Be good and you will be lonesome."

In the last session of Congress I voted for the repeal of the Neutrality Act, yet there are provisions in the act and in the pending bill which, while they will probably be followed by no other nation, would appear to safeguard against incidents which, persisted in and repeated on a sufficiently large scale, might incite the people to a warlike state of mind, and which ought to be preserved as an experiment, if nothing else. These are: Barring all American vessels from combat areas; barring the travel of American citizens on the ships of belligerent states; and adopting the cash-and-carry plan for contraband to belligerent states, to be carried in foreign ships, and with the title in the buyer.

Yet I have been wholly unimpressed with the argument that we can distinguish between the sale of arms and other commodities. I agree with the view that we must embargo everything or nothing. Everything may be listed by a belligerent as contraband of war and a belligerent will not distinguish between such contraband and instruments of war. This was well illustrated in the case of the seizure of the American Government-operated ship, the *City of Flint*, by Germany. Sale to a belligerent, even under the cash-and-carry plan, of contraband of war, will be just as strongly resented as a method of aiding the enemy as would the sale of armaments of war.

I said to a leading Member of the House recently, the distinguished gentleman from New York [Mr. REED], who argued here on the floor that we should place an embargo on the sale and transportation of all contraband commerce, that his position was consistent, but that it placed this country in an impossible situation, because the belligerent who was adversely affected by this commerce would place everything produced in this country on its contraband list. That was shown in the case of the *City of Flint*. Here are some of the commodities listed by Germany as contraband of war:

Lard, cereals, canned meats and other canned goods, apples, wax, lubricating oil, cotton, sewing machines, plows, tractors, asphalt, pitch, grease, shade rollers, machinery, silk, chemicals, abrasive grains, disinfectants, feathers, rags, coffee, lumber, gauze, hair, and wallboard.

The President will be authorized to list as contraband any and all other articles or materials in addition to arms, but the contraband lists of the belligerents, England and France as well as Germany, not of the President, will govern. They can attach an index of all articles and things whatsoever to a declaration of contraband. Nor will the purported destination to a neutral rather than to a belligerent nation protect it. The submarine cannot know what its destination is, and since he cannot safely seize and search, he will sink. Just as certainly as this war lasts neutral American commerce bound for neutral ports will be sunk on the high seas just as during the World War.

This danger will be increased by the exemptions proposed by, of all people, the isolationists, of all commerce, even to belligerents, in the Pacific, the South Atlantic, and the Indian Oceans. One Senate amendment lifted the line above Bermuda. It is the most paradoxical feature of this legislation. It will be treated as a mere subterfuge, as an attempt to do by indirection what we will not undertake to do directly; and sale and transportation to any British or French possession anywhere in the world will be treated just as direct sale and transportation to France and England would be. It all serves to emphasize the impracticability of such legislation.

I am in favor of the exemptions, but I am in favor of them with my eyes open. I am in favor of them because I cannot help doubting the wisdom of the course on which this country is setting out; that this, the most powerful of all nations, will haul down its flag on the high seas and park its merchant marine because, forsooth, a dictator may claim the

right to roam the seas like a pirate and sink everything on them regardless, as was done before. And we will do this in face of the fact that every other nation on earth having a shipping industry, the tramp steamers of the world, will come to our ports and haul this commerce to whoever will pay for it. Even the little defenseless Scandinavian countries, but important maritime countries, sitting right at Germany's front door, and surrounded by submarines, mines, and war planes will engage in the traffic abandoned by this country. In the World War those nations lost something over 2,000 ships in war traffic. Norway alone lost more than 800. They are losing them now, yet they are carrying the traffic. A Norwegian ship, cargoed with wood for England, was torpedoed and sunk. The wood could be reduced to war material. It was contraband. There is no halfway ground between the exercise of our rights under international law and bottling up all our ships in American harbors, there to rust and rot till the war ends. But, according to the isolationists, the Americans are supposed to be obsessed by an uncontrollable predilection for war. We cannot be trusted. We must hog-tie ourselves. Hitler will do something to make us see red and we will go out of control and the war will be on, with an army going to Europe.

There is a war hysteria, they tell us. An organization of House Members has been formed to stop what they call the New Deal war hysteria. Personally I have not found any war hysteria anywhere, but I have found fear hysteria everywhere. And it is a state of mind incited by the greatest campaign of propaganda within the memory of living men. A campaign of fear. There are no less than four men here on Capitol Hill who are animated by the hope that they can ride into the White House on a national tide of fear.

What I think of a campaign of this character was expressed by me on the floor of the House early in 1933, when the House had under consideration a resolution granting power to the President to place an embargo on the shipment of arms to a country or countries engaged in, or about to be engaged in, war:

Gentlemen declare on the floor that the passage of this resolution will mean war with Japan, and within 30 days.

It strikes me that that has a familiar ring. The mere passage of the act would result in war in 30 days. Lifting the arms embargo will involve us in war, they say now. It is tantamount to a declaration of war against Germany, they say, if we dare to resume our rights under international law. If we enact an embargo law, it means war. If we repeal it, it means war. They get us coming and going. Let me continue my quotation:

Let me say that the gravest error this country could make in dealing with the Asiatic situation would be to take counsel of its fears. Although then a private citizen and out of sympathy with the administration, I applauded the courage and incision of the notes issued by Secretary Stimson on the Asiatic situation. They had the ring of the note of President Cleveland on the Venezuelan boundary dispute, the one act of his two administrations which gave him a place in American history. There may be ways out of the question mark which overhangs the Pacific, but fear is not one of them.

The real question before the Congress seems to be, What will Hitler do? It is useless to blink the fact that hesitancy over repeal of the arms embargo is due mainly to the apprehended reaction of one man. What will Hitler do? Perhaps to play entirely safe there ought to be a provision put into the act that it shall not become effective until he has filed his approval with the President. The leading opponent of the repeal of the arms embargo stated on the floor of the other body in the opening of the debate over the neutrality bill that a condition exists in the industries of this country which would result in their destruction if the arms embargo is lifted, and it has been repeated on this floor.

My answer is that if that condition exists in this country, the sooner we know it the better. There will never be a better time to have the blowing up begin. We are in no immediate danger. We will have time to rehabilitate these destroyed plants before the shooting starts and to determine what can be done about it to prevent a repetition.

There never was such a deliberate, intensive, and I may admit, effective campaign to scare the American people into a course of action. I hope I am not unduly callous in saying that it leaves me cold.

One of the stock arguments which has been used with prejudicial effect and repeated everywhere against lifting the arms embargo is the cost to this country of the World War—the billions we sent to the Allies in Europe and never got back, either in principal or interest. It is true, and morally and legally it is indefensible; and from the mere, naked standpoint of policy it has proved to be decidedly shortsighted. If they had it to do over again, the story would probably be different. And if, when rebuffing Russia, England and France could have foreseen the most monstrous *mésalliance* in history, that between Russia and Germany; and if the Kaiser in 1917 could have envisioned 2,000,000 American soldiers in France and 2,000,000 more in preparation, history might be different. Of all sad words of tongue or pen, the saddest are these: It might have been.

Our attention is constantly directed to the wasted cost of the last war. I want to direct our attention for the moment to the wasted cost of the present peace, to the fact that this great nonmilitary, peace-loving Nation, resorting to untried experiments to maintain its own peace and show the way of peace to the world, is now spending more than a billion dollars a year and with no end in sight, building up its armaments. With a billion and a half voted this year and two billions estimated for next year, how long will it be, or, rather, how short, before the cost bill of peace will equal the cost bill of war? Why? What is the cause of this enormous armaments program? The answer, I do not hesitate to make. One nation in Europe and one in Asia. One of them started the World War and it started this war. These two nations have visions of world dominion. They exalt militarism and conquest. They threaten the peace and security of the world. We must be prepared. It would be folly for us to do otherwise.

I used to have a comfortable sense that I had been born into a civilized world. I read the great war dramas of the past with the feeling that I had been born into a happier age, that the ages of military conquest and tyranny were past, and that they furnished only a background which served to heighten the sense of security, of peace, of liberty, which had become the normal condition of mankind. Race hatred was dying out, religious hatred was dying out, government by force was dying out; mankind had finally become civilized and was learning to live in amity. The war to end war had been fought. The dream has ended. Four great powers are armed and on the march. No such group of great military powers ever before threatened the peace of the world. The world trembles daily at what one or the other of them will do next. It is unpredictable. After Germany and Russia, anything may happen.

Then men stand on this floor and insist that we must be neutral in thought, that we must be absolutely unsympathetic, yet those men themselves are not neutral and not unsympathetic. They had as well ask men to be unhuman, for that in effect is what they are asking. The man who says he is unsympathetic to what is going on in the world today, that Germany and Poland, that Russia and Finland look alike to him is a liar and the truth is not in him. I should like to live to see the power of every totalitarian state crushed, destroyed, become a fading phantasmagoria on the horizon of the dark past. There will be no lasting peace in the world so long as one of them remains.

Members scout the idea that even if the dictator states win they will attack us. They set up a straw man and then proceed to knock him down. Of course they will not attack us directly. They will not make a frontal assault on our shores. Not now. What they may do is to make the rest of the world impossible for us, make conditions in the Western Hemisphere, even on this continent, intolerable for us. They have the intent to do it. It is their proclaimed purpose to do it. They have dedicated themselves to the proposition that government of the people, by the people, for the people, shall perish from the earth. Death to democracy. They agree on this. They are boring within, even within us. If

they can work their deliberate will the world will exist on suffering, not on right and justice; in fear, not in friendship.

This great Nation was not born of a craven spirit; it was not preserved by a craven spirit. What it needs now is a rebaptism of courage. Our greatest safety is in having these war-mad nations know that we are unafraid and that we are ready—ready to preserve at all cost this continent and this hemisphere as abodes of law, of liberty, and of peace. Very recent events should encourage us. Hitler crushed Austria and Czechoslovakia and Poland, but he made peace, and a costly peace, with Russia. He has a real war to handle on the western front but he is displaying unsuspected powers of control. If it were Belgium and Holland, instead of England or France, the war on the western front would be already over. Fifty years ago I saw a dog do the most human thing I ever saw a dog do. He got in a fight with another dog in the middle of the street and quickly got the worst of it. Then he saw a helpless pup ambling along the sidewalk and he rushed at him, grabbed him by the back in his mouth, slammed him down on the pavement, and trotted off. Dictators as well as dogs pick their man. Let us be ready and unafraid.

There is only one thing certain about this legislation. It will not be satisfactory. The ink will not be dry on it before defects develop and demands for changes are made. I make no claims to infallible opinion on it.

But upon one policy my ideas are fixed. They have never wavered. We should be prepared against the day certain when we will need it. We should have the strongest Navy in the world. We should have an air force better than the best. We should have a land force capable of quick expansion. We should carry on research and experiment with every instrumentality of war. I said at the time of our entrance into the last war and I say now: America only and ready. [Applause.]

(During the delivery of the foregoing address the following occurred:)

The SPEAKER pro tempore. The time of the gentleman from Colorado has expired.

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes more.

The SPEAKER pro tempore. Is there objection?

Mr. GILCHRIST. Mr. Speaker, I reserve the right to object. At the opening of this debate I called attention to the fact that there were some 12 people who had been asking time this afternoon. I happen to be one of them, and reserving the right to object, I then said that I would object to further time being granted. I think it is unfair, with all of this list of Members here wanting time, for other speakers to ask an extension of the time granted to them. My friend will appreciate the position that we are in.

Mr. MARTIN of Colorado. I realize what the gentleman has said. I am asking for only 2 minutes.

Mr. GILCHRIST. In all my time on this floor I never have heretofore objected to an extension of time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

Mr. GILCHRIST. Mr. Speaker, I object.

EXTENSION OF REMARKS

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to include therewith a comprehensive statement with respect to the Monroe Doctrine by the Honorable Thomas Hewes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

The SPEAKER pro tempore. Pursuant to special order of the House, the gentleman from Illinois [Mr. MASON] is recognized for 20 minutes.

LEAGUE FOR PEACE AND DEMOCRACY

Mr. MASON. Mr. Speaker, I asked for 30 minutes' time, and I expect to use 20 minutes and allow 10 minutes if there are any questions, which I shall be glad to try to answer. I therefore do not propose to be interrupted and shall not yield until I have presented the picture as I see it.

Mr. Speaker, in view of the fact that I am the member of the Dies committee that made the demand that the membership list of the local chapter of the American League for Peace and Democracy be published, and also the member that offered the motion in executive committee to publish the list—which motion, by the way, passed without a negative vote—I feel that it is incumbent upon me to state to this House the reasons for such action. I want also to say that while the criticism for this action has all fallen upon the broad shoulders of the chairman of our committee it rightfully belongs upon my shoulders, and I am willing to assume the same.

The publication of this list at my insistence is the culmination of a campaign of "moral suasion" that the committee has conducted for more than a year for the purpose of securing, first, the resignation of the innocent Government employees that are members of the local chapter and, second, the resignation from Government service of those members who are not innocent but who sympathize with and are willing to aid the Communists in their efforts to overthrow the very Government they are working for; and if the resignations from the Government service are not forthcoming; then to separate them forcibly from the public pay roll in the manner suggested by David Lawrence in his column carried in the Evening Star of last night. In that article Lawrence clearly points out the why and the how Congress can and should end this controversy. I recommend his article to your careful consideration. I hope the motion to rid the Government rolls of members of the Communist front organization comes from the majority side next January, just as the Hatch bill came from the majority side, so partisanship will not enter this question.

From the sworn statements of witnesses before our committee, backed up by written evidence that would be acceptable in any court of law in the land, our committee last year found, and so stated in our report, that the American League for Peace and Democracy was originated by the Communists, had communistic objectives, and was controlled and dominated by the Communists. In more picturesque words, we found that the American League for Peace and Democracy was conceived in Moscow, fathered by Stalin, mothered by Browder, and born here in the United States. With such an origin and such parents, do you think this child can change its nature any more than the leopard can change its spots? And just as the leopard takes advantage of the protective coloring of the forest while stalking its prey, waiting to pounce upon it, so does this institutional beast take advantage of every means to disguise itself and cover up its real intent while stalking its prey and waiting for the opportune time to pounce upon it.

The real story of the origin of the American League for Peace and Democracy is as follows: In 1933 Stalin became alarmed at the rise of fascism in the world. Japan had just gobbled up Manchuria and made a puppet state of it. Hitler had come to power in Germany. Mussolini was rattling his sword in Italy. Stalin saw that inevitably there would be a death struggle with fascism on one hand and communism on the other. He called a meeting of the executive committee of the Internationale in Moscow, at which Earl Browder represented the American Communists. At that meeting they discussed the situation confronting communism and decided to set up what was known as the Popular Front Government in France, Popular Front Government in Spain; but so far as the United States was concerned it was not ready for a popular-front government, but must be moved in that direction by careful work and efforts over a period of time. They decided to set up in America to carry out this purpose what is now known as popular-front organizations, of which the American League for Peace and Democracy, with its 4,000,000 members, is the largest and most powerful. Stalin gave Earl Browder orders to come back to America and establish what was called at that time the American League Against War and Fascism, which has now become the American League for Peace and Democracy. Browder came back to America and commissioned Dr. J. B. Matthews to set up and establish this league here in America for the avowed

purpose of bringing about, ultimately, a popular-front government in America. That is the origin and that is the primary purpose of this league.

More than a year ago I named six or seven important Government officials who were members of the local chapter and very active in its affairs. I did this as the first move in a "moral suasion" program which we hoped would result in the resignation of all the innocent Government employees who belong to the local chapter and the final expulsion from the Government pay rolls of those members who were not innocent but were sympathetic with the Communist program. It did not seem to bring about that effect. The committee, in adopting its report, which it did unanimously, again found very plainly and in language that no one could misunderstand that the league was of communistic origin, and had communistic objectives, and was Communist dominated and controlled. This also seemed to have no effect, and from that time on our committee has carried on this "moral suasion" program. Today even the two new committee members, well-known liberals, are fully convinced, and they have so stated, that this league is a Communist front organization and that it is a menace to our form of government, and that no Government employee should belong to such an organization. What more could anyone ask?

Now, what about this Dr. Harry Ward who is the president of the league? He testified under oath that since he took the helm in 1934 that he has tried to guide it to the right and believes that he has been successful in doing so. However, this same Harry Ward has, over a long period of years, tried to preach and teach that communistic principles and Christian principles are practically one and the same, and should go along together. This is the same as trying to mix oil and water. The two do not and will not mix. Where communism thrives, Christianity dies, and everyone must realize this from the evidence before the world. This same Harry Ward in his first report as president of the League for Peace and Democracy, said:

As this audience knows, this superficial governmental authoritative state turns out to be the arm of the owning and employing class. That is the fact that must be made clear to the workers and farmers of this country.

In his second report to the league, on the occasion of the Third United States Congress Against War and Fascism, Cleveland, Ohio, January 3-5, 1936, he said:

That leads me to another question, with which I close. A good many times our constituent forces and those who come to our meetings ask us this: "Is the American League Against War and Fascism anticapitalistic?" Of course, it is. How otherwise could it stop war? [Applause.] We don't talk in vague terms about economic causes of war. We try to show people in our propaganda that today the economic causes of war are rooted in capitalistic economics. [Applause.] How could we be against fascism without being against capitalism, seeing that fascism is an organized expression of capitalism in its declining period? Because we can in no other way expose the causes of war and fascism, and in no other way can we mobilize the people for their removal. We must continually explain to them that the causes of both of these twin destroyers of mankind root inherently in the profit system. [Applause.]

In his third report to the league, on the occasion of the Fourth National Congress, Pittsburgh, November 26-28, 1937, he said:

There is one place where they acted in time in Europe, and that was France. In France they anticipated and stopped the Fascist aggressions. [Applause.] They still have a big battle to fight there, but the point is this: They took the offensive. They did not wait for the Fascists to strike in the open. As soon as the Fascists appeared upon the streets of Paris with arms the forces of democracy drove them off the streets and compelled the Government to take arms away from them. [Applause.] Do you know what was behind that? I will tell you. Behind that was the French League Against War and Fascism, which prepared the people for that. [Applause.] If they had not had a French League Against War and Fascism, they wouldn't have been prepared, they wouldn't have known what was going on or how to act. I submit to you, with the evidence before us of the attack on democracy and peace in this country, that the thing for us to do now is to form a movement which can take the offensive, which can act before the antidemocratic forces capture the Government. [Applause.]

I ask you whether our committee should accept Dr. Ward's sworn testimony that he has constantly tried to head this league toward the right and away from its communistic ob-

jectives when in his reports to the league he urges and pleads with the league to go further to the left than even the league membership were willing to go? Which are we to believe, his sworn statements or his recommendations to the league in his reports?

Now, concerning the present activities of the local chapter. I have here a statement on the Russian-Berlin pact which they have sent out to each member. I quote from it to show you that the Communist line and explanation of this pact which was sent out from Moscow for the instruction and benefit of the Communist members in America is identically the same as this message sent out by the local chapter of the American League for Peace and Democracy to its members under date of August 25, 1939:

Dear members, the present crisis of world peace cannot be understood by reading the daily press. As the daily press distorted and lied about the issues and events in Czechoslovakia last year, in Spain and in China, it has distorted and lied about the issues involving world peace today. Your executive committee has voted to submit the following statement to you in the hope that it will help to clarify our understanding of the issues and the forces involved in today's threats to the peace and security of Europe, the world, and the United States.

This—meaning the Russian-German pact—has been greeted in the daily press as an alliance of the Soviet Union and Germany against the democratic powers and for the partition of Poland. This is exactly contrary to the real meaning of this step by the U. S. S. R. This pact is a real contribution to world peace and to the peace and security of the United States.

The signing of the nonaggression pact between the U. S. S. R. and Germany is not a war alliance between the two powers. It is not an agreement for the partition of Poland. On the contrary, this action places a stumbling block in the way of the plans of Chamberlain and Daladier for a second Munich. The action of the Soviet Union in spiking a second Munich has cut away the ground on which the sell-out of Czechoslovakia was prepared and consummated a year ago. It has served notice on British imperialism that the scheme of turning Fascist aggression to the east is no longer feasible. In this same sense the pact between U. S. S. R. and Germany is the only real contribution to the security of Poland that has been made to date. It shows so clearly that even the British ruling class must understand that Nazi aggression will not aim to the east, but will rather turn to the west—against the national interests of England and France. It shows them that their own national interest lies in the defense of Poland against Nazi aggression. This is part of the contribution to world peace effected by the nonaggression pact. The pact states very clearly that neither party will join with any power in aggression against the other. This clause ends the so-called anticommintern axis. It isolates Japan. It helps China. It means that the Rome-Berlin-Tokyo axis no longer can operate as a unit against the peace and security of countries toward which one member of the axis has aggressive designs. By doing this the Soviet-German pact makes a very real contribution to the struggle of the Chinese people for liberation, makes a very real contribution to peace in Asia, and protects the national interests and the security of the United States.

In doing this the Soviet Union has made a real contribution to an understanding of the present crisis in Europe. It has made a real contribution to the peace and security of Europe, the world, and the United States.

Here also is an excerpt from the minutes of the meeting of the local chapter of the American League for Peace and Democracy, held October 4, 1938, and showing one of the purposes of the league—to set up league committees in the various Government agencies with our present membership in those agencies as a nucleus. Also in the same minutes we find this statement:

Mrs. Fowler reported that a delegation from the local league had been sent to Commissioner Brown's office to seek permission to picket the German Embassy. Mr. Brown, after consultation with the State Department, refused.

In the same minutes, the following suggestions for consideration by the executive committee came from the floor:

1. That the executive committee investigate the legality of a slow automobile parade before the German Embassy, this to be followed by a parade of cars with appropriate placards throughout the city, in which other organizations would be asked to participate, and that special contributions be solicited to finance the cavalcade.
2. That posters for automobile windows be printed saying "Boycott Germany, the Aggressor."
3. That the executive committee seek legal advice on picketing the German Embassy in spite of its illegality.

And then a motion was made and carried that the executive committee arrange for the picketing of the Germany Embassy within the present law; that is, 500 feet away from it.

In the minutes of the league's executive committee held Friday evening, January 13, 1939, at the home of Mrs. Fowler, I find this proposal concerning Congressmen:

It was suggested that we make an attempt to get Congressmen to join the league. Mr. Smith will arrange for a luncheon meeting with Marcantonio and Jerry O'Connell to get their advice on how to proceed. The idea is to make Congressmen part of an impressive list of sponsors.

Now, I do not know what you think of these activities of the local chapter found in their own minutes, but I consider that they indicate quite clearly that the local chapter is being guided by Communists and is following the general line of the Communist Party, and is doing its part to work out the Communist program in these United States of America.

The above, in substance, are the reasons for the publication of the membership list of the local chapter of the American League for Peace and Democracy, most of whom are Government employees. I feel sure a great majority of the Members of this House, when they know the facts, will approve the action of the committee. [Applause.]

Mr. DEMPSEY. Will the gentleman yield?

Mr. MASON. I yield to the gentleman from New Mexico.

Mr. DEMPSEY. The gentleman has painted the League for Peace and Democracy as like the changing of a leopard in the jungle, and I am not taking exception to that; but if that is the case, should a committee of the House of Representatives put out a list giving the names of people who never even knew they were members of that league or organization without making a check on the names that are given out?

Mr. MASON. There was a careful check made of this membership list.

Mr. DEMPSEY. How?

Mr. MASON. It was checked from the office files of the league, or its local chapter; and if there have been errors, it only proves conclusively to me that the local chapter of the league itself has, perhaps unwittingly, but I do not believe so, put on their membership list the names of people who did not give their consent to be members.

Mr. DEMPSEY. That is not what happened, and I will give the gentleman a specific instance. There was a name on the list of Mrs. Lamberton.

Mr. MASON. The gentleman has given that instance before. It is too bad an innocent person will be hurt, but that is not the fault of the Dies committee. It is the fault of the records of the American League for Peace and Democracy, and it is just too bad, but she can rectify that.

Mr. DEMPSEY. I think the committee might have held up that list a few days and secured accurate information before publishing it rather than smear people the way it did.

Mr. MASON. I believe Dorothy Thompson's story today in which she said that innocent people oftentimes are hurt in bringing about desired ends. It is too bad that happens, but it cannot be affected. More than a year's notice should have been enough to remove every innocent person from that list.

Mr. DEMPSEY. Why, a hundred years' notice is not enough for people who never knew they were on there.

Mr. HOFFMAN. Will the gentleman yield?

Mr. MASON. I yield to the gentleman from Michigan.

Mr. HOFFMAN. Is it not true that what happened was that on the list that came from the file of the league itself appeared this name of Mrs. Lamberton? Then when someone in the office of the Dies committee began to check and went to the list of the employees of the Government and the local directory, he found a Mrs. Lamberton and hooked that name onto an address, which brought in the name of this school teacher, although this particular individual never was a member.

Mr. MASON. I do not believe that is the truth. I do not know, because I did not make this check, but I do not believe that is the truth.

Mr. HOFFMAN. But that may be the way it happened, without any intention to injure anyone—an error in checking.

Mr. MASON. I do not believe our office force would do a thing of that kind.

[Here the gavel fell.]

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that the gentleman be permitted to proceed for 5 additional minutes.

Mr. GILCHRIST. I object, Mr. Speaker.

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois may proceed for 1 additional minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. DEMPSEY. I wish to say to the gentleman from Illinois that the lady in question came to my office yesterday. She stated she had called the secretary of the Dies committee to explain that she had never been a member and had never even known of the organization. However, he was too busy to see her. I called Mr. Strickling, the secretary of the committee, and he told me that a girl in the office of the Dies committee had called the Civil Service Commission and asked if they had on their list a Mrs. Lamberton. They said "Yes," that she was a teacher in the Eliot Junior High School. As a matter of fact, there are several Mrs. Lambertons and we published the name of the wrong one. The mothers of the children in that school called the school and demanded the dismissal of this Mrs. Lamberton. I say that is a damnable thing.

Mr. MASON. If that is true the incident should be regretted and Mrs. Lamberton should be cleared, but that does not mean that the publication of this list was not warranted and made necessary.

Mr. DEMPSEY. How could she be cleared throughout the country? This body should apologize to that lady for the action of this committee.

[Here the gavel fell.]

The SPEAKER pro tempore. Under a previous special order of the House, the gentleman from Iowa [Mr. GILCHRIST] is recognized for 20 minutes.

RECIPROCAL-TRADE AGREEMENTS

Mr. GILCHRIST. Mr. Speaker, out of all my experience in this House I have never before today objected to an extension of the time any Member had been allowed to address the House, but I hold here a list of 12 speakers whose last chance to make speeches will be today, and I think that those of us who are on this list ought to confine ourselves to the time that has been given us. I am willing to quit when my time is up, and I hope the Speaker will pound the gavel pretty loudly when that time comes.

I want to talk for a moment or two about this reciprocal-trade agreement with Argentina. I have looked through the Record, and I have found nothing yet at any great length in the speeches on the floor that discusses the corn situation. The other day I and several other persons who are interested in this question made speeches before the Committee for Reciprocity Information, but these did not get out to the country. You know that Thomas Gray said:

Full many a gem of purest ray serene
The dark unfathom'd caves of ocean bear;
Full many a flower is born to blush unseen,
And waste its sweetness on the desert air

In the first place, Mr. Speaker, these trade agreements should be reciprocal; they should be mutual and not unilateral. It has been shown that even Secretary Hull himself, in talking about them, stated that a reciprocal-trade agreement should be of mutual advantage to both sides. However, I have discovered that in this particular trade agreement proposed with the Argentine there is practically nothing traded off except agriculture.

I want to join with you from the industrial sections and help you to protect your manufactures, and I want you to join with us from the agricultural sections and protect our products as well. If we are to have these trade agreements at all, let us have them on a basis of mutuality. Agriculture is in distress. The income of agriculture in 1919 rose to

between sixteen and seventeen billion dollars, but now it is only about \$9,000,000,000. The farmers in 1935 owned only about 39 percent of their farms. About 45 percent of the farms are leased.

The farmers are not getting cost of production, and they are not getting parity. For example, the cost of production of corn is shown to be 82 to 83 cents by the releases of the Agriculture Department, and some of the other sources of information show it to be 95 cents. Still I sold a small amount of corn myself in Iowa within the last 2 weeks for the small sum of 37½ cents a bushel. I did not have a place to store it, although I built extra bins and cribs. I stored and sealed most of my corn, but my storage room ran out, so I sold a portion for 37½ cents a bushel. I had to pay a cent for shelling it and a cent for hauling it, which made a return of about 35 cents. Nobody can live on that. The farmers cannot raise corn at such a ruinous figure. It means bankruptcy and despair to them.

Despite this condition, it is proposed in the Argentine agreement that we allow corn to be brought into this country at very low tariff figures. They are going to haul coals to Gloucester. All through the western country today you will find the Government is building cribs to hold corn, corn that it has put under seal. You will find private farmers are putting up corn cribs. On the small amount of land I own I put up some cribs to hold the 1937 and the 1938 corn, as well as the 1939 corn that is now coming on. The Government asked us to do this. The present crop is almost an unprecedented one. There was one crop this century that exceeded it. We have now in sight over 3,078,000,000 bushels of corn, which is half a billion bushels of corn more than we know what to do with. Still that Committee on Reciprocal Trade Relations and the State Department are now down in Buenos Aires discussing the proposition of trading off corn, among many other things. They will sell corn "down the river"—meaning the Plata and Uruguay Rivers in South America.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. GILCHRIST. I would prefer that the gentleman wait until I have completed my statement.

Mr. AUGUST H. ANDRESEN. I just want to point out to the gentleman that the Argentine has a surplus of 50,000,000 bushels of corn from last year's crop which they must get rid of, and they want to send it into this country.

Mr. GILCHRIST. Yes. If a farmer in Iowa or Illinois wants to join in this program he must restrict his acreage. Suppose you are a farmer raising corn in Iowa. You may have, say, 80 acres of corn, but you must restrict your acreage to 50 acres or such a matter. This is an example only. You are compelled to cut down your acreage, but those peons on the pampas of Argentina cut nothing down. They raise all they can. There are no restrictions.

As the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN] has interjected, they have a surplus and they propose under this agreement to introduce these surpluses into America, with all of the excess amount of corn that we now have and which we do not know what to do with. I say that there may be degrees of foolishness, but it is the superlativity of asininity in my judgment to introduce that corn here in the face of the unprecedented amount that we already have ourselves. The Government is building steel bins all over the country to take care of this excessive corn crop. We have still stored up much of the 1937 and of the 1938 surplus corn, and we have the immense 1939 crop being harvested. Besides the Government bins, everybody is building corn cribs of his own. I built some corn cribs before I came away to hold the 1939 crop in order that I could comply with the request of the Government to store corn. The Government has much of this corn. It has loaned 57 cents per bushel on corn to the farmer. How is the Government ever going to get out on that corn if we go on with these kinds of stupidities and make the proposed agreement with the Argentine people? Hogs are definitely related to corn. The farrowing of pigs comes 8 or 9 months later, but when

you have low corn, you have low hogs, and when you have much corn you have a large amount of hogs. The hog market and the beef market also depend on this very same thing, and follow corn up or down on the markets, there being a little lag of time. We should not expect to give those cowboys down there on the Pampas the American market for the corn that the farmers of America are raising. It is unfair and unjust, because we fellows out on the farms of Iowa or Illinois expect also to protect the eastern manufacturers, and I say to Detroit that they cannot sell more automobiles to Buenos Aires than they can hope to sell to American farmers in Indiana or Iowa or anything like as many. Neither can they sell sewing machines or radios, or whatnot. Corn in the whole of Argentina does not equal half of what we produce in Iowa alone, nor a twelfth part of what we produce in the United States. The spot price of Argentine corn in Buenos Aires in 1934 was 43 cents. They can jump the tariff wall of 12½ cents if the tariff is reduced that low, as proposed, and still undersell the price which the Government has put upon it, and which is necessary to the farmers of this country.

Mr. Speaker, I want to speak for a moment about one or two other things in which Iowa is greatly interested.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. GILCHRIST. Briefly.

Mr. AUGUST H. ANDRESEN. What the gentleman has contributed about corn with reference to the proposed agreement with Argentina is very valuable, but does he not feel the same way about the other items in the list, such as casein, beef, hogs, poultry, turkeys, milk?

Mr. GILCHRIST. I was just going to say that the same argument relates to everything else in this proposed agreement. It is simply an agricultural agreement with Argentina, because that is all they have to sell. The Government has been giving us 57 cents, and also it has been giving a parity payment. It has appropriated to the farmers of this country about a billion dollars in order to uphold the market for farm products, and still now the same Government, the same administration, is down in South America this afternoon making these agreements, or at least discussing them with the intention of making them. What has been said about milk is also true, and it is also true about flax. I understand the gentleman from Minnesota spoke the other day about flax and other things raised in our country. Flax is a thing that can be raised, and we can raise all that we can use, and we ought to be giving the market to the American farmer.

I want to speak briefly now about the poultry market. They propose to trade off eggs and turkeys down there. Eggs in my country are selling for about 12 cents. You cannot produce them for such a low price. Turkeys, as we all know, is now getting to be a great industry, and that comes into direct competition with other poultry, and with beef and pork and other forms of meat.

I do not know why this administration wants to make turkeys cheap and cut down the price which the farmers' wives get, because turkeys are essentially a rich man's food. They belong in the same luxury category as caviar, champagne, and pâté de foie gras. Being humble, not having the price, I cannot eat turkey except once a year. This year I hope to do it twice, because the Governor of my State does not agree with the President about the date for the great festival, and perhaps my wife can put on two turkey dinners. But, in any event, there is no sense in cutting down the income of the housewives from their eggs and poultry. They need it. They need it for the babies. They need it for the things that go into the homes. They need it to buy a little dress for the girl that is going to the high school. They need it for a new pair of shoes for the boy. They need it for a little ornament for the front parlor. Why should this administration be concerned in cutting down the thing that gives them their only pin money, and trade them off in favor of the wild boys that ride the ranges on the pampas of Argentina?

Now, those peon folks down there are only getting four or five dollars a month in agricultural labor. They are doing

this herding on \$2-per-acre land. I say to you, if you are a farmer in Indiana or Ohio, or wherever you may be, you just cannot compete with that kind of labor, and you should not try to compete with it. You should not ask your people to compete with that kind of ignorant peon labor.

In my little village of only 1,200 people there is a chicken industry. They shipped about 7 percent of all the chickens that were shipped in carload lots out of the State of Iowa in 1937. I do not have the figures for 1938 yet, but it is a great industry. While we only have 1,200 people, we have 14,000 turkeys there. I suppose they have been shipped now. The gentleman in charge of that institution has often told me, "I want to pay these folks good wages." He has always paid more than the law required him to pay. He said to me, "I am willing to pay those folks more. I want to pay them more than the law requires, but I want the other fellow to pay just as much." He said, "You can vote in the American Congress for a raise in wages. That is all right; but see that the other fellow pays it, too."

Now, what am I going to say to him when I go back home? And tell him that he is now in competition with peon labor on the Plata River, who are getting \$4 a month. What will the answer be if they ship in these eggs and turkeys that they are proposing to ship? Turkey production is increasing every year, but the price is going down. Turkeys this year are off 5 or 10 cents a pound. We cannot stand it if they go off much more, nor if they introduce these wild birds from the southern continent. It is big business in America. That business in my little village supports hundreds of folks, not alone the people of my village but from the surrounding villages. They come there and get this employment. Why cut them down? Do you want to put them on a par with the \$5-a-month people?

This man of whom I speak has already been paying more than the law forced him to pay. I think that the wage-and-hour law did not affect him materially. He has probably always been paying it. The price which a woman receives for picking the chickens and turkeys has gone up. That is all right with us. It is all right with him. Therefore, let us protect this American industry. Let us protect American industry as against an industry that comes from South America, because that is the industry to which the industrialists of the East must look to buy their products. It is the only industry that can pay American labor American prices.

The same things I have just said about it are also true with reference to dairying and all of the other things that are within the agricultural agreement that is being proposed with Argentina.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. GILCHRIST. I yield.

Mr. AUGUST H. ANDRESEN. Some Members of this House favor this agreement because no commodities in their districts or in their States are included. But if they would propose some of the commodities which they produce, then they would be just as bitter against this agreement as the gentleman and I are. But now that we are included, they say "Go ahead and put it through."

Mr. GILCHRIST. I say to the gentleman from Minnesota, as I said at the opening of this speech, I am willing that everyone should get good wages in America. I do not care where it comes from or what State it comes from. The American market belongs to the American farmer. [Applause.]

I represent a great agricultural district in Iowa. We are interested in livestock, hogs, cattle, poultry, including turkeys, dairying, and the production of grain and corn. It is the policy of this administration to provide benefits for corn farmers by advancing loans upon their corn at a fair price. They get conservation payments and parity payments also. These things are absolutely necessary to the lives and welfare of our people. Prices for corn are much below parity and much below cost of production. A study made by the Department of Agriculture shows that the cost

of production of corn is 82 cents or 83 cents per bushel, while the figures of Mr. Cunningham, of the Farm Union, show it to be 92 cents or 93 cents. But corn is selling on the farms in my district this morning for only about 35 cents per bushel. Sometimes truckers come in from drought districts farther south and west and pay up toward 40 cents per bushel, but it is manifest that without these Government aids and even with them our farmers are going into the red.

We are now increasing wages under the wage-and-hour law and decreasing the hours which workmen employ. But in my State these corn and livestock farmers are industrious and must work in the summer from 12 to 14 hours per day and in the wintertime about 10 hours per day to take care of their livestock. If they were not an intelligent people perhaps they ought not to be paid much, but our people are the most literate of the people of any of the States. They are industrious and intelligent and deserve better than they get. With corn at 35 cents how can they be prosperous? It is said that the use of hybrid corn increases the yield. This verily is true, but let no man believe that we can raise 15 bushels more than formerly of good corn without paying for it in the end. This must necessarily deplete and mine the soil, and because of this very thing they must put back legumes and fertilizers and plant less and less acreages of grain. That they have not been prosperous is proven by the county records. We have 99 counties in Iowa and an acreage equal to 8 of such counties is now owned by insurance companies because of foreclosures and of forced sales. A study that I made 4 or 5 years ago, showed that about one farm out of seven in my particular vicinity had been foreclosed or was under foreclosure process and I may say to you that many of the other six farmers were just about two jumps ahead of the sheriff. That is the condition. We raised, this year, and have in sight over 3,000,000,000 bushels of corn in the United States, which is about 400,000,000 bushels more than we know what to do with.

Shall we then fetch up here more corn from Argentina? If these corn farmers were prosperous you might answer this question in the affirmative, but so long as they are not and so long as Government subsidies and Government helps must be furnished them, then it seems to me that you must answer this question in the negative. Corn at 35 cents and parity at 80 cents and cost of production at 85 cents or more means only disaster. If this Government loves the Argentine farmer better than it loves the American farmer, then we ought to go ahead with the suggestions proposed and allow more importation to further add to the existing surplus and reduce market prices. Newton announced the law of gravitation, but the economic law pertaining to prices under the operation of supply and demand is just as immutable and unchangeable. We cannot now find a market for our surpluses. Then why allow Argentina to add to our distress?

Production of livestock, hogs, and cattle follow the production of corn and feeds. After a big crop of corn there is sure to be a big crop of hogs. There usually is a little lag in this big livestock production. But it is sure to come as verily as causes produce effects. So then, why should we add to the livestock and meat production in our country by reducing our tariffs and thereby providing increased importation from abroad? The ability of manufacturers to sell American products to the American farmers is a better right and means more to them than it does to foreigners. Argentina may get more automobiles from Detroit and more radios and talking machines if this present proposal is put into effect, but the farmers of this country will buy less and the net result will be that America will be injured and our own flesh and blood deprived of what they ought to have. These American farmers, if given a chance, will buy from Detroit and Grand Rapids and Massachusetts much more than the peon from Buenos Aires.

The Agricultural Statistics Year Book for 1938 shows that my State is vitally interested in poultry, including turkeys. On January 1 in each of the years 1935, 1936, 1937, and 1938 Iowa had more chickens on farms than any other State, but it must be made known that all of the States had great

numbers of chickens and were enormously interested in the welfare of the poultry industry. It is now proposed to bring this poultry into direct competition with the turkeys of Argentina. It is now proposed that the livelihood of turkey producers should be curtailed in favor of South American producers. I get my figures and data from a friend who raises and packs many thousands of turkeys. He says that there is at present only a small number of turkeys being raised in the Argentine and that it is not yet an important industry there. Few people down there will be harmed if we do not build up for them this business. They should not expect us to build up an industry which will destroy our own.

The turkey industry in this country is growing and amounts now to about \$100,000,000 per year, but there is already a real danger of overproduction. The market is already down from 5 to 10 cents under last year, and apprehension exists about marketing the present crop at a decent price. The laborers in Argentina get about \$4 a month for herding these turkeys, and they are herded upon land worth from \$1 to \$2 per acre. Americans cannot compete with this peon labor. My friend says that in Ecuador full-grown turkeys are worth about 40 cents apiece, but baby turkeys in this country cost as much as 40 cents and 50 cents, so here again we cannot compete with South America, and we ought not to be asked even to consider that kind of competition.

Moreover, turkeys come into direct competition with other poultry, and the farm wives throughout this country are the folks who will suffer the most. They pay current family expenses with eggs and chickens. They look after the incubators; they feed the chicks; they gather the eggs; and then they are the ones who, by common consent, get the income and money from poultry sales. This is about the only money the farm wives get. It is their sole income or pin money. They look forward to it. The Lord knows that these farm wives do not have too many of the bright and beautiful things in this world and that they ought to have more. Why not let them have a silk dress once in a while? Are you going now to injure this business by foreign peon competition? Will you take away the very small income that these farm wives have? They will spend this money wisely, and they are entitled to a happy life. I have noticed a recent resolution presented by the rural conference of a great church to which I do not belong, but which I respect, and this resolution calls attention to the things that farmers ought to have. All farm folk should have education. Farm families should have a wholesome family life and modern, sanitary homes equipped with labor-saving devices and with cultural materials. We want extension of rural electrification to eliminate drudgery and stimulate development of home arts.

The vanishing ownership of farms is a major problem, and it carries with it disastrous moral, social, and economic consequences. An economic system, to be equitable, must provide opportunity for the masses to become owners and unless this opportunity is offered to the masses the foundation on which the right of property rests is destroyed.

If we do not restore parity of price, if we do not give the farmer costs of production, then the trend toward tenancy will increase. An immediate and sustained and vigorous action is required to stem this tide of increasing farmer tenancy which otherwise will result in rural decadence and desolation. You cannot restore farm prosperity by selling the market to Argentina.

[Here the gavel fell.]

THE FACT-FINDING COMMITTEE ON RECIPROCAL-TRADE TREATIES

Mr. JENSEN. Mr. Speaker, I ask unanimous consent that I may be permitted to insert in the Record remarks which I made before the Fact-finding Committee on Reciprocal Trade Treaties on October 17, 1939, in the matter of the proposed reciprocal-trade agreement with Argentina.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The remarks are as follows:

A tremendous amount of accurate and convincing evidence in the way of figures has been presented to this committee. In opposition

to this proposed reciprocal-trade agreement with Argentina it will not, in my opinion, serve the interests of American agriculture, the interests of my constituents, or the purposes of this committee to repeat these figures, because they are overwhelming in their weight and the implications which are to be drawn from these figures are such that this becomes purely a question of whether or not we are going to put the interests of American citizens and American agriculture and American farmers and the welfare of this Nation ahead of some theory that it is necessary to turn our own people out of their homes and off of their farms in order to provide employment and trade for somebody across the seas.

No one can possibly deny with any shadow of justice or logic that the American market belongs primarily to the American farmer.

No one, Mr. Chairman, can deny with any shadow of justice or logic that our first concern must be our own people.

No one, Mr. Chairman, with any shadow of justice or logic can argue that we want to penalize American farmers in order to extend favors to farmers anywhere else on earth.

At no time in the history of this Nation, Mr. Chairman, have the American farmers ever asked this Government to ask any other government to penalize its farmers in favor of American farmers. We would not expect them to do so, and if we were to make any such preposterous request, of course, they would not heed it.

If it is true that the farmers of this country are producing a surplus, particularly meats, which are included in this proposed treaty, that to my mind is the best argument that could be presented to this committee against granting any concessions to the agricultural interests of any other country and to lower the tariff in order to build surpluses in the American market by the importation of foreign meat.

If a surplus of meat and other products is not being produced by American agriculture, and if there is any need in this Nation for more meat, in the name of justice and common sense let the American farmer employ his idle acres and produce those products for this market.

I am here, Mr. Chairman, to say to you for my constituents that we believe the American market belongs to, and should be retained for, the American farmer up to his capacity to produce. I agree fully with others who have stated to this committee that tariff concessions on the farm products embraced in this proposed treaty would be unwarranted, unjust, and indefensible. It is true, of course, that any such concessions will tend to increase agricultural surpluses and to further drive the farm prices down. It is absurd, Mr. Chairman, to discuss parity for the American farmer while at the same time we are considering here entering into a trade treaty with Argentina.

The terms of this agreement will be favorable to every nation on this globe except Germany. The point has been well made that these concessions would be discriminatory and that the whole plan of these reciprocal treaties, the whole underlying theory of the policy itself is to penalize American agriculture in order to get some advantages for American manufacturing industries. Of course, we want the American manufacturing industries to prosper, but we do not want, and it is not good economics, to endeavor to create prosperity or increase foreign trade for American manufacturing by the method of giving away the American agricultural market to foreign farmers.

We are today facing a serious employment problem on the farm. To make a treaty such as the one proposed here will aggravate that problem. The administration has for 6 years insisted that it was trying to raise wages on the farm. How can we hope ever to raise wages on the farm; how can we hope that the renters and the landowners themselves can continue if we are going to expose them to the competition of South American labor in the American market? They have no wage and hour board in the South American countries, they have no labor organizations in South American countries, they have no labor board in the South American countries. South American meats are produced by low wages, long-hour labor, and when they are permitted to come into this country in opposition to the products of the American farmer, we have placed the American farmer directly in competition with the low wages and the long hours of the South American countries.

Now, Mr. Chairman, it is time that the American farmer knows whether or not they are to be made the pawns in some international game of power politics, or whether they are to have their rights as American citizens under the Constitution and under any sound economics that can possibly be evolved. There is no theory of economics that justifies this treatment.

If we must open the American markets to foreign South American agriculturalists and at the same time lend them gold to finance increased production and to finance the mechanization of their farms and their ranches in order that they may increase their competition with us, then we might just as well say to the American farmer that his interests are no longer being considered and that he is a pawn in the game of international power politics.

The American farmers, the farmers of my district, pay taxes; the meat producers of Argentina pay no taxes here. In the last World War, Mr. Chairman, it was not the sons of Argentine farmers but the sons of American farmers who went to the fields of France to fight, and if there is another war it will not be the sons of Argentine farmers but it will be the sons of American farmers who will march forth to shed their blood for this country.

I want to be a good neighbor to the South American countries, just as I have always wanted to be a good neighbor to whoever lived near me. But it is not the part of good economics, it is not the part of good government, and it is certainly not good Americanism to enter into these treaties and turn our American families off their

farms and put them into the bread lines, if you please, or cut them to the barest existence in order to purchase friendship by turning our markets over to the farmers of South America.

The farmers of my district are against this treaty, the farmers of my district are demanding as American citizens that the American market be reserved and preserved for American farmers, the people and farmers of my district are demanding that we care for our own first, and I am here to convey that demand to this committee and I enter my most emphatic protest against this treaty with Argentina.

PERMISSION TO ADDRESS THE HOUSE

Mr. SHANNON. Mr. Speaker, I ask unanimous consent that on Monday next following the gentleman from Kansas [Mr. REES], I may address the House for 30 minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article by former President Hoover, entitled "We Must Keep Out."

Mr. Speaker, I have, in accordance with the rules, submitted this article to the printer as it exceeds the two pages ordinarily allowed. I have an estimate from the printer and ask to have the article inserted in my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD to be printed tomorrow and to include therein correspondence with the Acting Secretary of the Navy and the chairman of the House Committee on Military Affairs.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HANCOCK. Mr. Speaker, this afternoon I introduced a resolution proposing a constitutional amendment giving Congress the power to meet in special session in its own discretion.

Mr. Speaker, I ask unanimous consent that I may be allowed to extend my remarks at this point in the RECORD in explanation of this resolution.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

SPECIAL SESSIONS OF CONGRESS

Mr. HANCOCK. Mr. Speaker, I have just introduced a proposed constitutional amendment providing that Congress may call itself into extra session. We now have no such power.

Article II, section 3, provides that the President—

may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment he may adjourn them to such time as he shall think proper.

The twentieth amendment, section 2, reads as follows:

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Congress is without power to call itself into an extraordinary or special session, no matter how great an emergency may arise or how strongly public opinion and public interest may demand that Congress assemble. It is only the President who can convene an extra session. This impresses me as a defect in our fundamental law.

I propose an amendment, as follows:

SECTION 1. Congress shall have the power to provide by law for convening in extra or special session.

SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided by the Constitution, within 7 years from the date of the submission hereof to the States by the Congress.

I have not worked out the details of a law to put this amendment into effect. It might provide for convening an extra session on the petition of a certain proportion of the

Members of the House and Senate, or upon the call of the steering committees of the major parties of both Houses, or in some other manner. Surely the legislative branch of the Government ought to have the power to perform its functions in a great emergency even if the Chief Executive should think otherwise.

At the present time there is a strong public demand that Congress remain in session. This can only mean that the people wish their Representatives to stay in Washington as a check and balance on Executive action when there is any threat of war or any danger that hasty or ill-advised moves by the Chief Executive may involve us in it.

The language of my amendment may be inadequate, but I believe the idea behind it merits serious study.

NAVY DAY

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Speaker, someone has just called my attention to the fact that this is Navy Day. It is also the anniversary of the birthday of Theodore Roosevelt, one of our greatest American Presidents. Theodore Roosevelt was born on October 27, 1858, and he would be 81 years old today were he alive.

As one of his followers, and devoted to him personally, I want to join in commemorating the birthday of one of our truly great Americans, and one of the most courageous who ever held public office. Navy Day has been set aside in commemoration of his outspoken policy for a large navy to defend our country. It seems to me appropriate at this time to point out that we have the greatest, the largest, the most powerful, and the most efficient navy in the world today in spite of war propaganda and hysteria to the contrary.

Only last week Assistant Secretary of War Louis Johnson, speaking to a group of businessmen, called their attention to the plight of Poland and implied that it might happen to America next, due to our lack of defense. He was called to task by Senator CLARK, that able and fearless Senator from the State of Missouri, who said that statements of that kind were moronic and idiotic. One could even add harsher words to it. I say without fear of contradiction from anyone that our Navy today as we commemorate the birthday of Theodore Roosevelt and celebrate Navy Day, is the greatest and most powerful navy in the world. Furthermore, no nation has the faintest thought of attacking the United States of America, and no nation or group of nations could attack the United States of America even if they wanted to. All admirals will agree that any foreign navy that seeks to attack us would lose 20 percent efficiency every 1,000 miles it gets away from its base.

Our Navy, being at least four times larger than the German Navy and almost as large as the combined navies of all the Fascist and dictatorial powers, we have nothing whatever to fear. Let me call attention to what happened at Gallipoli during the World War. The combined navies of Italy, France, and England could not land sufficient troops in Gallipoli to go 1 mile inland. So as an answer to the type of propaganda, moronic and idiotic propaganda, that we are defenseless and ought to look under our beds each night to see if there is not a Jap, a Nazi, or a Fascist there, I want to put it on record that we have the greatest, the strongest, and the best navy in the world at this time. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. GORE asked and was given permission to revise and extend his own remarks in the Record.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 12 minutes p. m.), under its previous order, the House adjourned until Monday, October 30, 1939, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1109. Under clause 2 of rule XXIV a letter from the Secretary of War, transmitting the Annual Report of the American Red Cross, audited by the Chief of Finance, United States Army, for the fiscal year ended June 30, 1939, was taken from the Speaker's table and referred to the Committee on Military Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER:

H. R. 7603. A bill relating to defamation of groups; to the Committee on the Judiciary.

H. R. 7604. A bill relating to defamation of groups; to the Committee on the Judiciary.

By Mr. LEAVY:

H. R. 7605. A bill to authorize the Secretary of Agriculture to cooperate with State and local agencies in carrying out operations against plant and animal diseases and noxious insects and other pests affecting agriculture; to the Committee on Agriculture.

By Mr. HOFFMAN:

H. R. 7606. A bill to limit the expenditure of Federal funds; to the Committee on the Judiciary.

By Mr. VINSON of Georgia:

H. R. 7607. A bill to extend the period for filing claims on insurance contracts under the World War Veterans' Act, 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. HENDRICKS:

H. J. Res. 394. Joint resolution relating to the improvement of economic, commercial, and cultural relations among American republics; to the Committee on Rules.

By Mr. HANCOCK:

H. J. Res. 395. Joint resolution proposing an amendment to the Constitution of the United States with respect to convening extra or special sessions of Congress; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. CALDWELL introduced a bill (H. R. 7608) for the relief of J. Montrose Edrehi, which was referred to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5834. By Mr. BROOKS: Resolution of the Red River Parish Petroleum Industries Committee, Coushatta, La., urging immediate and permanent elimination of Federal gasoline, lubricating oil, and motorist taxes; to the Committee on Ways and Means.

5835. By Mr. JOHNS: Petition of Sister Mary Joseph and 88 others, of the city of West De Pere, Wis., protesting against the lifting of the embargo on arms in the neutrality bill; to the Committee on Foreign Affairs.

5836. By Mr. KINZER: Petition of 63 citizens of Pennsylvania, urging that the United States of America do not become involved in the current European war; to the Committee on Foreign Affairs.

5837. By Mr. RUTHERFORD: Petition of students of senior class of Camptown High School, Camptown, Pa., urging the United States to keep out of war; to the Committee on Foreign Affairs.

5838. By Mr. SCHIFFLER: Petition of Alberta P. Schrader, chairman, Public Affairs Committee, Public Affairs Class, Wheeling Young Women's Christian Association, Wheeling, W. Va., supporting the revision of the present neutrality law as proposed by the Senate Foreign Relations Committee; to the Committee on Foreign Affairs.